

Agricultural Improvement in the Scottish Enlightenment: The Third Duke of Buccleuch, William Keir and the Buccleuch Estates, 1751-1812.

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PhD
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2004

Declaration

I certify that this thesis has been composed by me, and that it represents my own work, none of which has been submitted for any other degree or qualification.

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Abstract of thesis

This thesis aims to reconstruct the management of the Buccleuch estates in Scotland during the administration of Henry Campbell Scott, third Duke of Buccleuch (1746-1812). Particular emphasis is given in the study to the role of William Keir of Milnholm, the duke's overseer of works and improvements, while the influence of the philosopher Adam Smith as tutor and adviser to the duke is also considered. In doing so, this thesis attempts to contribute to the wider debates surrounding the role of the landed classes in Scottish agrarian improvement and the influence of Scottish Enlightenment thought upon the improvers.

The thesis begins by reconstructing the administration of the Buccleuch estates during the duke's sixteen-year minority and outlining the land management policies pursued during this period. The duke's education is then examined with particular emphasis on the role played by Adam Smith as his tutor during the duke's Grand Tour. Smith's involvement is also examined in the context of the initial management reforms implemented by the duke at the outset of his personal administration in 1767, where it is argued that Smith played a previously unacknowledged role as agent and adviser to the duke. The thesis continues with two detailed case studies of the attempts to implement agricultural improvement upon the estate, where the role of William Keir is highlighted. The first of these describes the programme of improvements implemented upon the duke's lowland estate of Eckford, while the second outlines the attempts to reform the management of the duke's upland estates. In the following chapter, aspects of the 'infrastructural improvement' carried out upon the estates is considered along with a number of 'extra-economic' concerns that also influenced the management of the estate. By examining the involvement of Adam Smith in the duke's affairs together with the vision of improvement expounded by William Keir, the thesis attempts to examine the influence of Enlightenment ideas upon the improvement policies pursued under the duke's administration, before finally assessing the duke's personal role in the improvement of his estates. The thesis concludes that the management of the Buccleuch estates under the third duke is an important example of 'improvement from above' in which a central role was played by an ideological commitment to a concept of improvement that encompassed not only commercial and economic imperatives, but also social, political and moral concerns.

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Acknowledgements

My first thanks are to my supervisor, Dr Alexander Murdoch, who first suggested this topic to me, and whose encouragement, support, and friendship throughout have been greatly appreciated. Dr Nicholas Phillipson as my second supervisor has given generously of his time and enthusiasm, for which I am immensely grateful. My thanks go also to Dr David Brown of the National Archives of Scotland, who provided help and advice in the early stages of this project.

I would like to thank the Duke of Buccleuch and Queensberry, K. T. for his permission to use his family papers deposited in the National Archives of Scotland, and which form the basis for this study. The majority of the archival research for this thesis took place in Register House and I would like to thank the staff of the Historical Search Room for their help and courtesy. I would also like to thank the Carnegie Trust for the Universities of Scotland for the award of a Carnegie scholarship, which provided the funding for the first three years of my study.

Finally, I would like to thank my parents for their continued support, Louise for putting up with me, and my children, Katherine, Alexander and Jennifer for helping to keep it all in perspective.

Abbreviations

N.A.S.	National Archives of Scotland
OSA	<i>The Statistical Account of Scotland</i> (1791-1799)
NSA	<i>The New Statistical Account of Scotland</i> (1845)

Works of Adam Smith

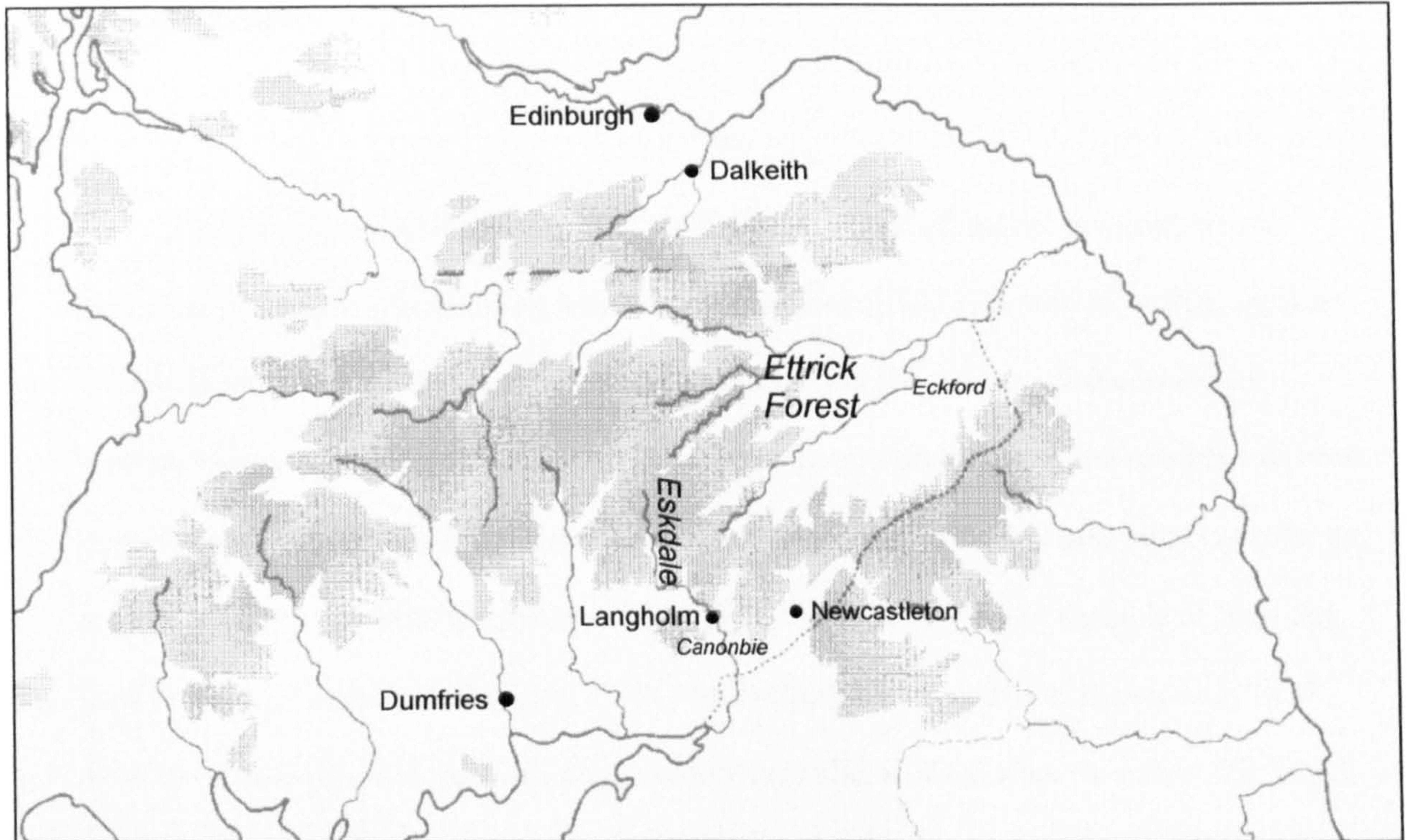
This thesis uses the standard abbreviations for the *The Glasgow Edition of the Works and Correspondence of Adam Smith* (Oxford, 1976-87):

Corr.	<i>Correspondence</i>
EPS	<i>Essays on Philosophical Subjects</i> (which includes:)
Stewart	Dugald Stewart, 'Account of the Life and Writings of Adam Smith, LL.D'.
LJ(A)	<i>Lectures on Jurisprudence</i> : Report of 1762-63.
LJ(B)	<i>Lectures on Jurisprudence</i> : Report dated 1766.
TMS	<i>The Theory of Moral Sentiments</i>
WN	<i>The Wealth of Nations</i>

This thesis also uses the reference system used by Glasgow edition, based on the original divisions in Smith's works, together with the paragraph numbers added in the margin of the Glasgow edition. For example:

TMS I.iii.2.2. = *Theory of Moral Sentiments*, Part I, section iii, chapter 2, paragraph 2.

WN I.x.b.1 = *Wealth of Nations*, Book I, chapter x, section b, paragraph 1.



Map of the Buccleuch estates

Key:

Langholm ● – town
Canonbie – estate

Introduction

I

In his essay on the Scottish landed classes R. H. Campbell describes the process by which commercialisation, increased wealth and Anglicisation had widened the already apparent social and cultural divisions between the landed classes and the rest of eighteenth-century Scottish society. The effects of absenteeism, whether for economic or political reasons, had been exacerbated by a widespread belief that ‘intellectually and culturally Scotland could not offer the wider horizon for the life of an educated and cultured gentleman’.¹ As an example of ‘how any landowner who sought to make his mark on wider society was bound to be drawn away from Scotland’, Campbell cites the case of Sir James Macdonald of Sleat, who, ‘in a short life, which ended in Rome in 1766, impressed the giants of European culture, but made no mark on his own country.’² Campbell’s use of Sir James Macdonald as evidence to support this model of cultural division and the inevitable draw of talent away from Scotland, is perhaps less straightforward than might first appear. Sir James was indeed educated in England from the age of fourteen, where he excelled first at Eton and then, after realising, as his mother noted, ‘a turn for reading & being a scholar to be his chief ambition’, at Oxford.³ After grave concerns had been raised by one of his guardians over this choice of an English rather than a Scottish university, Sir James’s mother assured his board of curators that she would continue to ensure he was bred with strong attachments to his native land. To this end and to prevent him from becoming a ‘stranger in his own country’, she resolved that he would return to Scotland each summer, ‘both to continue his

¹ R. H. Campbell, ‘The Landed Classes’, in T. M. Devine and Rosalind Mitchison (eds.), *People and Society in Scotland Volume I, 1760-1830* (Edinburgh, 1988), pp. 102-103.

² *Ibid.*, p. 103.

³ Angus Macdonald, *The Clan Donald*, Vol. III (Inverness, 1904), p. 92; University of Glasgow Adam Smith Business Records Centre, UGD 37/2/1, Nomination of tutors and reports by tutors on Lord MacDonald’s estates 1747-1762, Edinburgh 7th September 1759, pp. 99-103. I am indebted to Alexander Murdoch for bringing these papers to my attention.

acquaintance with his friends & countrymen, and also to look attentively into his private affairs'. It was her hope, she concluded, that Sir James would take 'a virtuous turn' in his choice of career and return to Scotland to reside on and improve his estate – a role she agreed with his curators to be 'the properest sphere for his riper years'.⁴ Sir James's continued attachment to Scottish concerns was evidenced by his participation in the debate surrounding Macpherson's *Ossian*, the validity of which, as a Gaelic speaker, he passionately defended.⁵ And although Sir James had embarked upon a Grand Tour after finishing his studies in Oxford, he had in fact returned to Scotland with the intention of settling on and improving his Hebridean estates.⁶ Indeed his final journey to Italy was occasioned not by a self-imposed cultural exile, but by an attempt to recuperate from the ill health that would eventually lead to his early death.⁷ While it would be futile to speculate on the kind of impact Sir James might or might not have made upon 'his own country' had he returned from Italy, the career of one of his friends, Henry Campbell Scott, third duke of Buccleuch, provides an interesting parallel, and, it can be argued, another notable exception to R. H. Campbell's model.

Born in London in 1746, Buccleuch inherited his title and one of the largest estates in Britain at the age of four, on the death of his grandfather, the second duke. Like Sir James Macdonald, Buccleuch had also lost his father at an early age, had been educated at Eton College, and had finished his education by way of a Grand Tour, upon the early stages of which he was accompanied by Sir James.⁸ Indeed, Buccleuch's tutor, the philosopher Adam Smith, hoped that Sir James could be persuaded to join them later on their tour, in order to act as a role

⁴ *Ibid.*

⁵ David Raynor, 'Ossian and Hume', in Howard Gaskill (ed.), *Ossian Revisited* (Edinburgh, 1991), pp. 150, 153, 163n.

⁶ Angus Macdonald, *The Clan Donald*, p. 94.

⁷ *Ibid.*, p. 97.

⁸ Ian Simpson Ross, *The Life of Adam Smith* (Oxford, 1995), p. 198; For the duke's earlier education and the circumstances of his tour see below, chapter 2.

model for his charge.⁹ When Sir James died in Rome in 1766 David Hume wrote to Smith lamenting the loss: 'Were you and I together dear Smith we should shed tears at present for the death of poor Sir James Macdonald. We could not possibly have suffered a greater loss.'¹⁰ When he received this letter, Smith had been nursing his own young charge through a life threatening illness. Unlike Sir James, however, the duke recovered and returned from his grand tour in the Autumn of 1766, travelling to Scotland the following year to celebrate the end of his minority and to take possession of his estates. Indeed, far from being driven away from Scotland, the young duke seems to have been drawn towards it. Making a conscious decision to reject the role of statesman for which his stepfather, Charles Townshend, had been grooming him, the duke decided to base himself in Scotland (the first in his family to do so since the seventeenth century) and, by aligning himself with a number of public campaigns that expressed the concerns of the landed classes, had within a decade established a reputation as one of Scotland's foremost 'patriotic peers'.¹¹

In 1769 the duke was one of the main backers of the ill-fated 'Ayr Bank', which, despite the disastrous consequences of its subsequent failure, had been founded primarily to provide credit and liquid capital for Scotland's cash-strapped economy and, in particular, to fund agrarian improvement.¹² As will be discussed in this thesis, the duke's attempt to alter the entail of his estate from 1767 appears to have acted as a catalyst for the passing of the Entail Act of 1770, legislation that again aimed towards the agricultural improvement of the country.¹³ At the elections of 1770 and 1774, Buccleuch was a leading member of the group of so-called

⁹ Corr. no. 82, Adam Smith to David Hume, 5 July 1764.

¹⁰ Corr. no. 96, David Hume to Adam Smith, [August 1766].

¹¹ John Dwyer and Alexander Murdoch, 'Paradigms and Politics: Manners, Morals and the Rise of Henry Dundas, 1770-1784', in J. Dwyer, A. Murdoch and R. Mason (eds.), *New Perspectives on the Politics and Culture of Early Modern Scotland* (Edinburgh, 1982), p. 236.

¹² *Ibid.*, p. 232; For Scotland's need for capital see Henry Hamilton, 'The Failure of the Ayr Bank, 1772', *Economic History Review*, (2nd Series) viii (1956), 404-408. See below p. 222.

¹³ See below pp. 84-92.

'independent peers' that rebelled over ministerial interference in the election of the sixteen Scottish representative peers to the House of Lords; a protest which was couched in terms of defending the independence and dignity of the Scottish peerage.¹⁴ The duke's involvement in the literati's attempts to secure a Scottish militia in the 1770s culminated in his successful petitioning of the King to raise a Fencible regiment in response to the French entry into the war with the American colonies.¹⁵ Although noted by contemporaries as not fully settling the injustice of inequality between the two countries regarding the right to form a militia,¹⁶ it was in these patriotic terms that the duke considered his undertaking, describing the venture as a matter of 'the Honour of Scotland' and the assertion of a right 'unjustly denied to Scotland . . . that of arming for our own defence.'¹⁷ The duke's reputation even seemed to transcend his public life to matters of his own private virtue, with the moderate minister and author James Fordyce citing the duke as his exemplar for youthful virtue in his *Addresses to Young Men* (1777).¹⁸ The dedication to the duke in the preface to John Pinkerton's *Select Scottish Ballads* (1782) is a fair representation of how his public persona had come to be portrayed by this point:

At a period when many of the British nobility are wasting their partrimonial estates in profligate dissipation; men trained to arms in defence of their rights and liberties, villages beautified and rendered salubrious, and their inhabitants rendered happy, have been the monuments of expence of the Duke of Buccleuch. . . That SCOTLAND may long consider Your Grace as one of the best guardians of her liberty, and the living assertor of her ancient spirit.¹⁹

There was, however, an important political dimension to the development of this public persona. Early in his career the duke had formed a political alliance and close friendship with his

¹⁴ Michael W. McCahill, 'The Scottish peerage and the House of Lords in the late eighteenth century', *Scottish Historical Review*, 51 (1972), 179-182.

¹⁵ See below p. 204.

¹⁶ Anon., *A letter to His Grace the Duke of Buccleugh, on national defence. To which is now added, a postscript, relative to the regiments of fencible men raising in Scotland* (Edinburgh, 1778).

¹⁷ See below pp. 210-211.

¹⁸ John Dwyer, *The Age of Passions* (East Linton, 1998), pp. 129, 137n. For a similar assessment of his personal character, this time used for more overtly political ends, see Dwyer and Murdoch, 'Paradigms and Politics', p. 241.

¹⁹ Quoted in John Dwyer and Alexander Murdoch, 'Henry Dundas revisited but not revised', *Studies on Voltaire & the Eighteenth Century* 256 (1988), p. 327.

Midlothian neighbour, the young advocate Henry Dundas.²⁰ It was on the back of the duke's patronage and extensive political 'interest'²¹ that Dundas was first elected to parliament, and the two continued to act together for the next forty years. By April 1775 one observer noted that the gossip of Edinburgh had it that 'the Duke of Buccleuch's imagining that he should be Prime Minister for Scotland, and that Henry Dundas was to act along with him'.²² Indeed, the duke's and Dundas's involvement in the Ayr Bank was seen by some contemporaries in this context, as one observer recalled: 'If the story generally believed at the time was true, the projectors of that company aimed at power as well as exorbitant profits. By directing all the money transactions in the Kingdom, and by gaining credits, a few great families, in conjunction with a set of bold, ambitious young men, were to influence elections and to govern Scotland.'²³ Sometime in the mid-1770s, however, Buccleuch seemingly abdicated political leadership of his interest to Dundas, and although he continued to manage peerage elections and supervise his interest for Dundas and the government, he otherwise withdrew from the national stage.²⁴ This seeming

²⁰ For an account of the early stage of Dundas's and Buccleuch's alliance see David J. Brown, "Nothing but Struggles and Corruption": The Commons' Election for Scotland in 1774', in Clyve Jones (ed.), *The Scots and Parliament* (1996), pp. 103-119; Dwyer and Murdoch, 'Paradigms and Politics', pp. 212-213; Michael Fry, *The Dundas Despotism* (Edinburgh, 1992), pp. 50-51.

²¹ In 1760 Gilbert Elliot MP for Selkirkshire explained to Charles Townshend that the duke's political interest there was 'not so much to be estimated by the votes it can at present command as by the credit . . . it bestows upon any candidate it adopts'. In conjunction with Dundas, Buccleuch's interest controlled Midlothian, was the principal interest in Selkirkshire, and was also significant in Berwickshire, Dumfriesshire, and Roxburghshire. On the death of Queensbury, whose interest the duke was already managing in Dumfriesshire, the duke inherited control of the 'pocket constituency' of Peeblesshire. In the burghs, Buccleuch and Dundas controlled Edinburgh by 1784, and had a significant interest in the Linlithgow Burghs (where he controlled Selkirk from 1771) and had a 'small but significant' interest in Dumfries, until Queensberry's death when he took full control of the burgh. Sir L. Namier and J. Brooke (eds.), *The History of Parliament: The Commons, 1754-1790*, 2 vols (London, 1964), vol I, pp. 495, 496, 508; vol II, pp. 522-3, 530, 594.

²² James Boswell, quoted in Dwyer and Murdoch, 'Paradigms and Politics', p. 213.

²³ John Ramsay of Ochtertyre's *Memoirs*, quoted in Dwyer and Murdoch, 'Paradigms and Politics', p. 212. Buccleuch's and Dundas's later dominance of the Royal Bank and Bank of Scotland and the subsequent creation of a unified 'first tier' banking system in the last quarter of the 18th century, led to what has been described as the largest source of potential credit available to any political interest in 18th-century Britain. Richard Saville, *Bank of Scotland, A History, 1695-1995* (Edinburgh, 1996), p. 174.

²⁴ David J. Brown, 'Henry Dundas and the Management of Scotland', unpublished Ph.D. Thesis, University of Edinburgh, (1989), p. 35. Despite noting after the election of 1792 that he wished to play a lesser role in future, the duke 'remained central to government interference for years to come', playing an

inversion of the previous managerial arrangements (where, as one historian has noted, 'Rather then the wealthy peer Argyll using the judge and statesman Milton as his agent, the statesman and lawyer Henry Dundas used the wealthy peer Buccleuch as his agent'),²⁵ led contemporary pamphlets to characterise the duke as having been 'duped' and 'led' by the Dundas family.²⁶

It is these political events that form the backdrop to Buccleuch's public reputation and, in particular, the way in which he was portrayed in the public press.²⁷ In their essay that attempted to link enlightenment culture, agricultural improvement and contemporary politics, Dwyer and Murdoch outlined the way in which the supporters of Henry Dundas drew on the language of civic humanism to back up their claims for the leadership of the landed classes. In doing so they highlighted the way in which Buccleuch in particular was represented as an exemplar of patriotic nobility, his behaviour contrasted with profligate nabobs and the absentee nobility alike as a natural leader of Scottish society behind whom both the lesser gentry and greater nobles could unite.²⁸ And central to their portrayal of the duke in this light as 'civic hero and landed exemplar'²⁹ was his perceived role as an improver, resident upon his Scottish estates for most of the year.³⁰ And it is upon this aspect of the duke's career that this thesis is primarily concerned.

important role in the election of peers in 1796 and 1802, and acting with Dundas in the Dumfries burghs in the 1806 election: *ibid.*, pp. 196, 199, 435, 495.

²⁵ Alexander Murdoch 'The Importance of being Edinburgh: Management and Opposition in Edinburgh Politics, 1746-1784', *Scottish Historical Review*, 62 (1983), 15.

²⁶ Brown, Henry Dundas, p. 35.

²⁷ The immediate political context of much of the praise of the duke in the Edinburgh press was the duke's and Dundas's struggle for control of Edinburgh with Lawrence Dundas (from 1774-1784). See Murdoch, 'The Importance of being Edinburgh', pp. 6-15.

²⁸ By 1782 Buccleuch and the fifth duke of Argyll (another agricultural improver and ally of Dundas) had to a large extent assumed the leadership of the Scottish nobility. Alexander Murdoch, 'Nobility: post-1707', in Michael Lynch (ed.), *The Oxford Companion to Scottish History* (Oxford, 2001), p. 459.

²⁹ Dwyer and Murdoch, 'Henry Dundas revisited', p. 328.

³⁰ Dwyer and Murdoch, 'Paradigms and Politics', pp. 236, 241; Dwyer and Murdoch, 'Henry Dundas revisited', p. 327.

II

The central aim of this thesis is to reconstruct the management of the Buccleuch estates in Scotland during the third duke's administration, from the inheritance of his estates in 1751, until his death in 1812. As such, this study intends to provide the economic background to the duke's political and public life as described above, and thereby to reveal the extent to which his career as a landowner corresponded to his public reputation. In particular, it will attempt to outline what the land management policies pursued upon the Buccleuch estates reveal about the motivation and ideology behind improvement. In addition to these central concerns, it can be argued that the study of the third duke's administration affords insights into a number of other areas. Firstly, in 'dynastic' terms, the third duke's administration is pivotal in the history of the Buccleuch estate and the development of the family. The duke's marriage to Elizabeth Montagu, great-grand-daughter of the first Duke of Montagu, in 1767 eventually brought the extensive Montagu estates in Northamptonshire into the duke's possession, while his inheritance of the dukedom of Queensberry in 1810 added considerably to his already formidable Border holdings, and formed the basis for what would become the largest privately-held estate in Scotland. The third duke's administration, therefore, formed the economic foundation for the emergence of the Buccleuch family into the top rank of what has been described as the new, 'supra-national', 'super rich' British elite.³¹

Secondly, the duke's administration coincides with the crucial period of Scotland's social and economic transformation,³² and, as recent research has reaffirmed, the period of revolutionary change in Scotland's agriculture. Unlike the situation south of the border, where

³¹ David Cannadine, *Aspects of Aristocracy* (London, 1995), p.11. For the role of the new 'British Agriculture' in the creation of this 'new British elite', see *ibid.*, pp. 13-15. For the creation of this first truly 'British' aristocracy see also, Linda Colley, *Britons: Forging the Nation 1707-1837* (London, 1992), pp. 147-193.

³² T. M. Devine, *The Scottish Nation 1700-2000* (London, 1999), pp. 105-123.

the current historical consensus suggests an evolutionary and gradualist process, Scotland's agricultural transformation in the last quarter of the eighteenth century was revolutionary; as T. M. Devine notes 'Arguably, nowhere else in western Europe was agrarian economy and society altered so quickly and rapidly in the eighteenth century'.³³ Although acknowledging the earlier improvements that had taken place over the course of the previous century, Devine's research has reaffirmed the 1760s and 1770s as a significant watershed in respect of the rapidity, scale, and extent of the transformation of Scottish agrarian practice.³⁴ A further feature of this research is that it highlights the extent to which this was a revolution instigated and implemented from above. To a much greater degree than the English experience, where the greater tenant farmers have been identified as the main contributors to agrarian change,³⁵ it seems that in Scotland improvement was to a large extent instigated and directed by the landed classes.³⁶ And this seems to be particularly true of the 'great estates', which by 1770 accounted for about half the agrarian wealth of Scotland, and of which the Buccleuch estate is one of the largest examples.³⁷ The reconstruction of the management of this estate during this period, therefore, allows the examination of whether the improvement of the Buccleuch estate fits into this model of 'improvement from above'.³⁸

³³ T. M. Devine, *The Transformation of Rural Scotland: Social Change and the Agrarian Economy 1660 – 1815* (Edinburgh, 1994, 1999), p. 61; for an account of the earlier debate see I. H. Adams and I. D. Whyte, 'The Agricultural Revolution in Scotland: Contributions to the Debate', *Area*, 9 (1977), pp. 198-205; I. H. Adams, I. D. Whyte and M. L. Parry, 'The Agricultural Revolution in Scotland: Contributions to the Debate', *Area*, 10 (1978), pp. 198-205.

³⁴ Devine, *Transformation of Rural Scotland*, pp. 41-44.

³⁵ J. V. Beckett, 'Landownership and Estate Management' in G. E. Mingay, (ed.), *The Agrarian History of England and Wales*, vol. VI, 1750-1850 (Cambridge, 1989), pp. 570-571.

³⁶ Devine, *Transformation of Rural Scotland*, p. 60.

³⁷ Great estates being defined as those having a valued rent of over £2000 Scots. L. Timperley, 'The Pattern of Landholding in Eighteenth-century Scotland', in M. L. Parry and T. R. Slater (eds.), *The Making of the Scottish Countryside* (London, 1980), pp. 142, 151; On the importance of the 'large landowner' see M. L. Parry, 'Introduction: The course of rural change in Scotland', in Parry and Slater (eds.), *The Making of the Scottish Countryside* (London, 1980), p. 17.

³⁸ For an alternative view which stresses the tenant's response to the emerging market opportunities above landowner involvement, see Hew Blair-Imrie, 'The Relationship between Land Ownership and the

The third area of particular interest regarding the duke's role as improver is his connections to enlightenment Scotland. From his first visit to Scotland, the duke played an active part in the society of enlightened Edinburgh. He numbered among his friends some of Edinburgh's leading literati, including David Hume and William Robertson, while dinner guests at Dalkeith house included Adam Ferguson, Alexander Carlyle and Hugh Blair.³⁹ He was a member of such societies as the Poker Club and the Musical Society,⁴⁰ and in 1782 his role as the city's leading cultural patron was confirmed by his appointment as the first president of the Royal Society of Edinburgh.⁴¹ Most significantly, however, was his relationship with the philosopher Adam Smith. Smith acted as the duke's tutor on the Grand Tour during which time the two formed a close friendship that would last until the former's death in 1790.⁴² Moreover, as this thesis will suggest, Smith seems to have played a more active role in the duke's affairs than has been previously acknowledged. By examining the role of Adam Smith in the duke's affairs and the influence of Scottish Enlightenment thought upon the duke's 'overseer of improvements', William Keir, it is hoped the study of the duke's administration will also allow a contribution to the wider debate over the influence of enlightenment thought over the course of Scottish agrarian improvement.⁴³

Commercialisation of Agriculture in Angus, 1740-1820', unpublished Ph.D. Thesis, University of Edinburgh (2001), pp. 371-372.

³⁹ N.A.S. Buccleuch Muniments GD 224/1085/1, Dalkeith House Day Book, 1775-98.

⁴⁰ For his membership of the Poker Club, see below p. 210. The duke joined the Musical Society in 1771, N.A.S. GD 224/269/2, John Davidson's accounts and vouchers for 13th Sept. 1771 to 13th Sept. 1772.

⁴¹ Ross, *Life of Adam Smith*, p. 370.

⁴² See chapters 2 and 7 below.

⁴³ It is now generally accepted amongst historians of the period that the ideas of the enlightenment fed into the Scottish agrarian revolution of the later eighteenth century: see, for example, I. H. Adams, 'The Agents of Agricultural Change', in Parry and Slater (eds.) *The Making of the Scottish Countryside* (London, 1980), pp. 173-4; Devine, *Transformation of Rural Scotland*, p. 65; For one of the few attempts to detail the interaction between these ideas and the improvers' practice, see E. J. Hobsbawm, 'Scottish Reformers of the Eighteenth Century and Capitalist Agriculture', in E. J. Hobsbawm *et al.*, (eds.), *Peasants in History* (Oxford, 1980). For the influence of the enlightenment on the Scottish economy in general see Christopher A. Whatley, *Scottish Society 1707-1830: Beyond Jacobitism, towards industrialisation* (Manchester, 2000), pp. 116-124; for a more sceptical assessment, see R. H. Campbell,

Finally, the examination of the third duke's administration also brings to light the career and writings of a remarkable improver, William Keir of Milnholm. As overseer of works and improvements upon the Buccleuch estates for almost forty years Keir was the driving force behind the improvement of the estate and his writings allow insight not only into the process of improvement, but of the ideas and ideology behind it.

III

This thesis is organised into three parts, which in turn are divided into seven chapters. The first part of this study examines the duke's minority; chapter one reconstructs the administrative structure of the Buccleuch estates during the duke's sixteen-year minority and outlines the land management policies pursued during this period. Chapter two examines the duke's education, and in particular, the role of Adam Smith as the duke's tutor during his grand tour.

Part two examines the improvement of the estate under the third duke's personal administration; chapter three outlines the duke's initial reforms on his arrival in Scotland in 1767, highlighting the role of Adam Smith during this crucial period. Chapters four and five take the form of two detailed case studies of the attempts to implement agricultural improvements upon the estate, where the role of William Keir is highlighted. Chapter four outlines the improvement of the duke's lowland estate of Eckford in Roxburghshire between 1767 and 1797, while chapter five examines the management of the duke's extensive upland estates between 1767 and 1812.

'The Enlightenment and the Economy' in R. H. Campbell and A. S. Skinner (eds.), *The Origins and Nature of the Scottish Enlightenment* (Edinburgh, 1982).

The final part of this thesis attempts to explore elements of the ideology that underlay the improvement of the estate; chapter six outlines aspects of the infrastructural improvement of the estate before considering the role of such 'extra-economic' concerns as military recruitment and social control upon estate policy. Chapter seven considers Adam Smith's relationship with the duke together with his ideas regarding agriculture and the landed classes, before examining William Keir's vision of improvement and the influence of enlightenment ideas upon his thought. Finally, the thesis concludes by assessing the personal role of the duke in the improvement of his estates.

Chapter 1: The minority administration 1751-1767

During his sixteen-year minority the third Duke of Buccleuch's affairs were managed under three distinct administrations, variously headed by, his mother, Caroline Campbell, Countess of Dalkeith (1751 – 1755); John Craigie of Kilgraston, advocate, (1756 – 1760); and finally his stepfather, Charles Townshend, M. P. (1761 – 1767).¹ Although these administrations differed in a number of aspects, there remained a basic degree of continuity throughout the various phases of minority, both in terms of administrative structure and the land management policies pursued. Throughout the minority the ultimate responsibility for the running of the estate remained in England, in the persons of Lady Dalkeith, Charles Townshend and, to an increasing extent after 1760, the duke himself. Their orders were usually relayed to the duke's Scottish commissioners by way of correspondence from the duke's London agent, Kenneth Mackenzie.² The management of the estate in Scotland was orchestrated by a 'sole-commissioner' (also acting as 'cashier and receiver'), aided by a number of agents or 'doers', mostly based in Edinburgh, with responsibility for its financial and legal administration. Beneath these commissioners, six 'chamberlains' or factors had responsibility for the different Scottish estates: one for the estate of Dalkeith in Midlothian, and five for what was known collectively as the 'South Country Estates' in the

¹ By Scots law, tutors, appointed either by the will of the heir's father, or by the courts or crown, were required to administer the heir's estate until he or she reached 'minority' (the age of fourteen, for boys). At this point, the heir was entitled to nominate a curator, who, with the permission of the courts, would replace the tutor or tutors and assist the minor in his administration until reaching 'majority' at the age of twenty-one. In contemporary usage the term 'minority' could refer either specifically to the period from the duke's fourteenth birthday until his 'majority', or could include the earlier period or 'pupillarity'. Unless otherwise stated, however, the term 'minority' is used in this thesis to refer to the whole of the period from his accession to his majority (April 1751-September 1767). Maurice Lee, Jr., *The Heiresses of Buccleuch: Marriage, Money and Politics in Seventeenth-Century Britain* (East Linton, 1996), p. 6n.

² Kenneth Mackenzie [of Ferryden?] was London agent to the duke throughout his minority, and also acted as agent to Lady Dalkeith. For his possible identification as Kenneth Mackenzie of Ferryden, see N.A.S. GD 224/269/33, Vouchers for accounts 13 September 1796 to 29 November 1797, Branch 2, Debts Paid.

counties of Selkirk, Dumfries and Roxburgh.³ In this they were aided by a number of subordinate officers, including deputy chamberlains, Baron officers, and foresters. Despite these continuities, the minority administration saw the introduction of a number of important changes in both the administrative structure and management practices of the Buccleuch estates. The following chapter will examine the way in which the estate was managed under these different regimes by firstly reconstructing the management structure of the different administrations, and secondly, examining the land management policies that were pursued during this period, especially with regard to the improvement of the estate.

I. Estate administration 1751-1767

On the death of his father, Francis, Earl of Dalkeith, on April 1 1750, three-year-old Henry Campbell Scott had succeeded to those parts of the Buccleuch estate that had been settled on the Earl by his contract of marriage to Lady Caroline Campbell eight years earlier, consisting of the estates of Melrose, Eskdale and Canonbie.⁴ On the same day his mother, Lady Caroline, Countess of Dalkeith (1717-1794), was appointed as his ‘Tutrix and Guardian’, having been thus nominated in the Earl’s will, and, after giving up ‘tutorial inventories’ of her son’s estate to the Court of Session, she was confirmed in this position by an act of the Court dated 13 July 1750. Following the death of his grandfather, Francis Scott the second duke, on 22 April 1751, Henry inherited the remainder of the Buccleuch estates, and Lady Dalkeith in her role of guardian and ‘tutrix’, became responsible for their management.⁵ ‘Factories’ were then granted by Lady Dalkeith to the existing six

³ During the duke’s minority the various estates of the South Country were organised into five collections each under a separate chamberlain: Melrose and Ettrick Forest; Eskdale and Canonbie; Ettrick Forest and Eckford; Teviotdalehead; and Liddesdale.

⁴ The Earl of Dalkeith’s and Lady Caroline’s marriage settlement was dated 20 October 1742. N.A.S. GD 224/324/7/2, Draft of Case of the different settlement and entails of the family of Buccleuch. March 1767. The inheritance from the Earl of Dalkeith also included the feu duties payable from Musselburgh and Inveresk. N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh’s Estate. August 1768. p. 1.

⁵ These consisted of the estates of Ettrick Forrest, Tiviotdalehead, and Liddesdale in the South Country Estates, and the Dalkeith Estate in Midlothian. By an Act of 1748/9 the Earl of Dalkeith had

chamberlains, and Ronald Dunbar W.S., whom she had commissioned the previous year to take charge of the Earl's estate, was appointed to the post of 'cashier and receiver' for the whole estate, with the responsibility for its administration.⁶ It was not until Dunbar's death in December 1753, however, and the appointment of his successor in early 1754 that the first attempts were made to adjust the existing management arrangements to take account of the administration of a minor. A review of the situation at Dunbar's death revealed that the estate's accounts were in disarray, the accounts of the chamberlains and receivers having not been settled for 'some time'.⁷ Subsequently, a number of changes to the administration of the estate were introduced with the specific aim that 'the Duke's affairs be managed with greater care and exactness',⁸ an acknowledgement, as one report later noted, that the minority administration required 'a more exact and perfect administration than formerly'.⁹

On 4 January 1754 John Grant of Elchies, advocate, was appointed by Lady Dalkeith as sole commissioner to the Duke of Buccleuch on a salary of £150 sterling a year. Grant was empowered by his commission to 'conveen and call before him' the duke's chamberlains and factors, to settle their accounts, and to collect any sums of money held by

agreed to the sale of the second duke's entailed Lincolnshire estate (valued at £18,000) to go towards paying the second duke's debts, and to secure the duke's Scottish estates from his creditors. Although this was later confirmed by a separate act obtained by Lady Dalkeith on behalf of the third duke and her other children, litigation over the proceeds from the Lincolnshire estate continued for several years. N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate, August 1768. p. 1; N.A.S. GD 224/284/23, Rentals of the Buccleuch Estates 1751 – 1767; N.A.S. GD 224/903/17/14; GD 224/623/1 p. 102, Kenneth Mackenzie to John Grant, 12 April 1755; Public Record Office, C 12/1859/20 Court of Chancery: Six Clerks Office: Pleadings 1758 to 1800, Cotes v. Buccleuch, Mitford and Hanmer Division 1756. For the date of the second duke's death; Scottish Borders Archives and Local History Centre, A 703737, Family tree of the Scotts of Buccleuch.

⁶ N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate, August 1768. p. 1.

⁷ The duke's English agent noted in February 1754, 'Mr Dunbar's accounts having been kept open so long, must create no small trouble, and My Lady desires that all possible expedition may now be used in adjusting them.' The following week John Grant was instructed 'to proceed with all expedition to settle the factors accounts.' Despite these efforts to introduce more exactness, it was not until October 1756 that Lady Dalkeith became aware that there were arrears of some £20,000 owed by the tenants. N.A.S. GD 224/623/1 p.88, [Kenneth Mackenzie] to Archibald Campbell, 28 February 1754; N.A.S. GD 224/623/1 p.7, Instructions for John Grant esqr., 5 March 1754; N.A.S. GD 224/388/16/12 [3], John Craigie's account of position of accountant; N.A.S. GD 224/623/1 p.124, [Kenneth Mackenzie] to John Craigie, 23 October 1756.

⁸ N.A.S. GD 224/623/1 p. 5, Commission to Archibald Campbell and Alexander Mackmillian as managers of the duke's law affairs in Scotland.

⁹ N.A.S. GD 224/388/16/12 [3], John Craigie's account of position of accountant.

the chamberlains and to 'discharge them thereof'. The commission also authorised him to grant new tacks on the expiry of those currently in force, 'under such conditions, and for such space as he shall think proper', providing that the rent was not set under the present level and that they were not let for a longer period than the end of the duke's pupillarity on his fourteenth birthday. In addition, Grant was empowered to act as the duke's 'ordinary lawyer', with the power to represent the duke in all cases that concerned him.¹⁰ Grant was required to submit a quarterly journal or state 'of his a[d]dings and management' for Lady Dalkeith's approval.¹¹ On the receipt of money from the chamberlains or other persons, Grant was to inform Lady Dalkeith and deposit the funds in the bank in her name, 'so that her Ladyship may from time to time direct [their] application'.¹² Grant was also ordered to prepare a 'general abstract' from the factors accounts, setting out the deductions for 'the several incumbrances, arrears, taxes and all disbursements', so that the annual 'neat produce' of the estate could be deduced.¹³ He was also to 'examine particularly' the application of the rents of the estate since Lord Dalkeith's death, noting the securities for any that had been lent out, and to prepare a summary of all the law suits involving the duke pending before the Court of Session.¹⁴

A month after Grant's commission, on 6 February 1754, the position of legal agent to the duke in Scotland, previously held by one lawyer, was divided into two 'conjunct' posts. Alexander McMillan W.S.,¹⁵ was to be responsible for the management of the legal matters relating to the duke's 'country affairs'. This consisted of assisting in the 'set' or letting of farms, auditing or 'fitting' the chamberlains' accounts, attending the annual

¹⁰ N.A.S. GD 224/623/1 p.3, Commission to Mr. John Grant younger of Elchies Advocate as sole commissioner to Duke of Buccleugh, 4 January 1754.

¹¹ *Ibid.*, p. 4; N.A.S. GD 224/388/16/1, Letter from the Countess of Dalkeith appointing John Grant of Elchies as sole commissioner for the Duke's estates in Scotland, and his ordinary lawyer, 4 January 1754 [copy].

¹² N.A.S. GD 224/623/1 p.7, Instructions for John Grant esqr., 5 March 1754.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ McMillan continued in the post until his death on 26 July 1770. N.A.S. GD 224/273/2, Archibald Campbell's Accompts of Charge and Discharge . . . 13 September 1769 to 13 September 1770, 1771.

landsettings, and drawing up 'tacks' or leases, and precepts of warning. Archibald Campbell of Succouth, W.S.,¹⁶ was given 'sole management' of all processes before the Court of Session or any other court, and was to be responsible for writing the vassals' charters and all other legal affairs concerning the family in Scotland. Both legal agents were also to attend John Grant at 'all proper occasions when called by him'.¹⁷ In a similar division, the position of accountant or 'Clerk of Accompts', traditionally held by one of the chamberlains, was divided between two agents. Francis Farquharson, accountant in Edinburgh, was hired for 'fitting' and recording the chamberlains' and receivers' accounts, and to 'state the same in proper form so as they might be understood by [the duke] when he should become of age'.¹⁸ William Laing, chamberlain for the Ettrick Forest and Eckford estates and, until this point, sole clerk of accompts, continued to have responsibility for the accountancy tasks required at the landsettings that he attended, including making up and recording the rentals.¹⁹

Lady Dalkeith continued on as tutrix and guardian until her marriage to Charles Townshend on 18 September 1755, at which point she was required by Scots law to relinquish her position.²⁰ As the 'tutor at law' (unnamed, but presumably the duke's cousin, the Marquis of Tweeddale) declined to take up the post, it was decided by Lady Dalkeith,

¹⁶ Archibald Campbell, also legal agent for the Duke of Argyll, replaced John Craigie of Kilgraston as 'Receiver General' or 'Commissioner and Cashier' for Buccleuch in September 1768. He in turn surrendered his position in September 1770 on his appointment as one of the principle clerks to the Court of Session, and was replaced by John Davidson W.S. He continued as Receiver General to the Duke of Argyll until 1778. N.A.S. GD 224/273/1, Archibald Campbell's Accompts of Charge and Discharge . . . 13th September 1768 to 19 September 1769, filed 16 July 1770; N.A.S. GD 224/273/2, Archibald Campbell's Accompts of Charge and Discharge . . . 13 September 1769 to 13 September 1770, 1771; Eric R. Cregeen (ed.), *Argyll Estate Instructions 1771-1805* (1964), p. xxxvi.

¹⁷ N.A.S. GD 224/623/1 p.5, Commission to Archibald Campbell and Alexander Mackmillan as managers of the duke's law affairs in Scotland; N.A.S. GD 224/584/11/11, Memorial, queries and answers, his Grace Henry Duke of Buccleugh. 30 July 1760.

¹⁸ N.A.S. GD 224/388/16/12 [3], John Craigie's account of position of accountant.

¹⁹ The exact timing of this change is uncertain. A memorial of July 1760 suggests that the division was made at the time of John Craigie's appointment in February 1756. Orders issued to John Grant in 1754, however, state that William Laing is to be removed from the office of accountant and that Francis Farquharson is to replace him. N.A.S. GD 224/584/11/11, Memorial, queries and answers, his Grace Henry Duke of Buccleugh. 30 July 1760; GD 224/85/4/1, Instructions for John Grant Esquire from Lady Dalkeith 1754.

²⁰ N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate. August 1768; Sir Lewis Namier and John Brooke, *Charles Townshend* (London, 1964) p. 36.

Tweeddale and 'other friends of the family' to petition the Court of Session to appoint a 'Factor loco Tutoris' to the duke, in terms of an Act of Sederunt 1730. Subsequently, by an Act of Factory dated 5 February 1756, the Court of Session appointed John Craigie of Kilgraston, advocate, as 'Factor loco Tutoris' to the duke, a position he held until the end of the duke's pupillarity, on 13 September 1760.²¹ In this role, Craigie also replaced John Grant²² as 'commissioner and cashier' for the Buccleuch estates in Scotland, and was empowered by the Court to 'continue the former plan of management'. This included the power to appoint chamberlains and 'all other offices necessary for extricating the management' of the estate, to settle the accounts of the chamberlains and other agents, and to receive from them the rental and other revenues 'and all other sums belonging to the Duke'. After the payment of management expenses, annuities and aliments, the remaining balance was to be lodged in either the Bank of Scotland or the Royal Bank of Scotland where they would remain until 'proper securitys should be found upon which such sums might be laid out by authority of the Court of Session.'²³ With Lady Dalkeith's approval, Craigie renewed the commissions of the six chamberlains, the two legal agents, and the two accountants. Two accounts were opened with the Bank of Scotland in Edinburgh; a cash account with no interest into which the remittances were paid, and an interest account at three per cent, into which the money was transferred when the balance in the former account was high.²⁴

Although Craigie managed directly by the authority of the Court of Session and reported

²¹ N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate. August 1768; N.A.S. GD 224/584/11/11, Memorial, queries and answers, his Grace Henry Duke of Buccleugh. 30 July 1760; N.A.S. GD 224/268/13, John Craigie's accounts and vouchers, 19 September 1767 – 13 September 1768. Craigie seems to have been previously involved with the duke's affairs in Scotland; a letter of August 1755 notes that 'some years ago' Craigie had given in an opinion regarding what Lady Dalkeith should charge for the maintenance and education of the duke. N.A.S. GD 224/623/1 p. 106, [Kenneth Mackenzie] to John Grant, 11 August 1755.

²² Grant was appointed as one of the Barons of his Majesty's court of exchequer in Scotland in late 1755. N.A.S. GD 224/623/1 p. 110.

²³ N.A.S. GD 224/584/11/11, Memorial, queries and answers, his Grace Henry Duke of Buccleugh. 30 July 1760.

²⁴ *Ibid.*; N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate. August 1768.

annually to them with signed 'states of his management',²⁵ some management decisions seem to have been made by a commission consisting of Craigie, the Marquis of Tweeddale, and the president of the Court of Session.²⁶ In practice, however, the ultimate authority to approve and direct his administration of the estates remained with Lady Dalkeith and her advisers.²⁷

Another aspect of the management policy conducted under Lady Dalkeith, was the involvement of her uncle, Archibald Campbell, the third Duke of Argyll. Regarded as 'one of the most prolific of the early improvers' in Scotland,²⁸ Argyll advised Lady Dalkeith on a number of issues regarding the management of the Duke of Buccleuch's affairs. This ranged from witnessing the commissions made out by Lady Dalkeith,²⁹ and approving of loans to be made to Buccleuch,³⁰ to advising on the general letting policy of the estate,³¹ and on the management of the duke's political interest through the creation of votes.³² As an accomplished botanist and collector of plants, Argyll also gave advice regarding the plantations at Dalkeith Palace,³³ commissioning a plan to be drawn up of the parks and

²⁵ N.A.S. GD 224/268/13, John Craigie's accounts and vouchers, 19 September 1767 – 13 September 1768; N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate. August 1768.

²⁶ On Charles Townshend's request in May 1759, John Dalrymple was to be appointed as 'one of the family council in the Duke of Buccleuch's affairs'. N.A.S. GD 224/623/1 p. 152, [Kenneth Mackenzie] to Archibald Campbell, 11 May 1759.

²⁷ See correspondence from [Kenneth Mackenzie] to Craigie and the duke's other agents: N.A.S. GD 224/623/1 p. 113-166, 1756 – 1760. For an example of Lady Dalkeith overriding the advice of her Scottish commissioners see below p. 31. The only example noted in the correspondence of the Court asserting its authority over Lady Dalkeith's and Charles Townshend's proposals was their reluctance to approve the purchase of an estate for the duke. See below p. 46.

²⁸ Adams, 'The Agents of Agricultural Change', p. 161-162.

²⁹ See for example, N.A.S. GD 224/623/1 p.3, Commission to Mr. John Grant younger of Elchies Advocate as sole commissioner to Duke of Buccleugh, 4 January 1754.

³⁰ N.A.S. GD 224/623/1 p. 87, [Kenneth Mackenzie] to John Grant, 31 January 1754.

³¹ *Ibid.*, p. 103, [Kenneth Mackenzie] to John Grant, 19 April 1755.

³² In 1753 when a project was mooted to purchase a superiority 'in one of the counties where the greatest part of the Duke of Buccleugh's estate lyes' for the benefit of one of the duke's younger brothers, it was noted that the duke of Argyll 'greatly approved' of it. N.A.S. GD 224/623/1 p. 91, [Kenneth Mackenzie] to John Grant, 26 March 1754. On the political aspect of the third duke of Argyll's management of his own estate see Eric Cregeen, 'The Changing Role of the House of Argyll in the Scottish Highlands', in N. T. Phillipson and Rosalind Mitchison (eds.), *Scotland and the Age of Improvement* (Edinburgh, 1970, 1996), pp. 15-17.

³³ For an account of the duke of Argyll as botanist, collector and cultivator of plants see Michael Symes, Alison Hodges and John Harvey, 'The Plantings at Whitton', *Garden History*, 14 (1986), pp. 138-172.

policies, and on at least one occasion corresponding directly to the gardener there giving detailed instructions for the cultivation of trees.³⁴ Kenneth Mackenzie summed up the importance of Argyll's role during this stage of the minority when he noted in April 1755 that, 'when her Ladyship is in one country and the Duke of Argyll in another, their orders cannot be so easily received or executed'.³⁵ Argyll's direct influence over the management of the Buccleuch estates seems to have ended later that year with Lady Dalkeith's marriage to Charles Townshend in September 1755. The last mention in estate correspondence of his involvement dates from November of that year,³⁶ though he continued to be notified of aspects of the duke's affairs, such as the appointment of Townshend as curator in 1760.³⁷

The third and final administrative stage of the duke's minority began officially with the appointment of Charles Townshend as sole curator in March 1761, although, as will be discussed below, Townshend had already been active in the duke's affairs for some time. Indeed, evidence suggests that even prior to his marriage to Lady Dalkeith, Townshend may have been preparing himself for a possible future role as curator; notes for his speeches on the Marriage Act of 1753 included a paper concerning the legalities of appointing tutors or guardians to administer a minor's affairs according to Scots law, leading his biographers to speculate that he may have already been considering the possibility of marrying the countess.³⁸ Whether or not that had been the case, Townshend was certainly keen to have himself appointed as the duke's curator. On 14 June 1760, Mackenzie wrote to Archibald Campbell advising that as it would be 'improper to take the young Duke from school at the time he is fourteen', he was thus to 'take the opinion of lawyers, and concert the speediest

³⁴ N.A.S. GD 224/295/3/15 [old catalogue], Gilbert Grierson to Charles Townshend, 6 October 1759; N.A.S. GD 224/623/1 p. 90, Directions to the gardener at Dalkeith, 5 March 1754. Andrew Fletcher of Saltoun was also involved in these plans, passing on to Townshend a list of trees to be planted in the Autumn of 1759, N.A.S. GD 224/295/3/17 [old catalogue]. Andrew Fletcher to [?], 11 November 1759.

³⁵ N.A.S. GD 224/623/1, p. 103, [Kenneth Mackenzie] to John Grant, 26 April 1755.

³⁶ On 11 November Kenneth Mackenzie wrote to John Grant that, 'I cannot expect to be hon[oure]d with any commands for you untill his Grace [the Duke of Argyll] and Mr. Townshend have an interview'. N.A.S. GD 224/623/1 p. 110, [Kenneth Mackenzie] to John Grant, 11 November 1755.

³⁷ *Ibid.*, p. 165, [Kenneth Mackenzie] to Archibald Campbell of Succouth, 16 September 1760.

³⁸ Namier and Brooke, *Charles Townshend*, pp. 33-34.

and most proper measures under such circumstances to be pursued towards the election of curators'.³⁹ On 10 September, Townshend wrote to Buccleuch, then at Eton, offering his services as curator:

You may recollect that you come to the age of 14 on the 13th of this month, and then, by the law of Scotland, you will be expected to chuse a Guardian for the conduct of your affairs in Scotland, which will otherwise be in the direction of a Court of law, neglected & hurt. by the law of Scotland Lady Dalkeith can not be appointed, but, if your opinion of me inclines you that I should have this charge upon me, to oblige you, I will not decline any trouble or withdraw from any trust you wish to commit to me. I need not add how infinite the business is in the management of so large an estate at such a distance, and I hope I need still less assure you that I have not, nor can have, any motive for engaging in so delicate an office, but a sincere & affectionate attachment to your interest & happiness. I mention this to you now, that I may have your directions on Sunday next, when I propose to have the pleasure of seeing you at Eton.⁴⁰

The duke accepted Townshend's offer and, on 15 September, signed an authority for choosing curators, nominating Townshend as his 'sole curator'. This was forwarded on to Archibald Campbell with a covering letter noting that Townshend was to write to the Duke of Argyll and Lord Tweeddale informing them of the duke's decision.⁴¹ After accepting the office, Townshend gave in 'curatorial inventories' of the duke's estate to the Court of Session, who then passed an Act of Curatory, dated 3 March 1761, confirming his appointment. As early as June 1759, John Craigie had been informed that he would continue in his role in the duke's administration after a new curator had been chosen,⁴² and on the orders of the duke, with Townshend's consent, a new commission was granted him as Commissioner and Cashier in February 1761.⁴³ This empowered Craigie to manage all of the duke's affairs during the remainder of his minority, and required him to draw up annual

³⁹ N.A.S. GD 224/623/1, Letterbook of commissioners in Scotland for the Duke of Buccleugh, p. 162, [Kenneth Mackenzie] to Archibald Campbell of Succouth, 14 June 1760.

⁴⁰ N.A.S. GD 224/296/1 [old catalogue], Charles Townshend to Duke of Buccleuch, 10 September, 1760.

⁴¹ N.A.S. GD 224/623/1, Letterbook of commissioners in Scotland for the Duke of Buccleugh, p. 165, [Kenneth Mackenzie] to Archibald Campbell of Succouth, 16 September 1760; N.A.S. GD 224/91/1, Letterbook financial and estate matters, p. 1, [Kenneth Mackenzie] to Archibald Campbell, 23 October 1760.

⁴² N.A.S. GD 224/623/1 p. 153, [Kenneth Mackenzie] to John Craigie of Kilgraston, 9 June 1759.

⁴³ N.A.S. GD 224/248/23, State of the management and administration of his Grace the Duke of Buccleugh's estate April 1750 to the 13th September 1767.

states of management to be sent to the duke and Townshend in London.⁴⁴ This commission was renewed and extended in February 1764 to take account of the duke's tour,⁴⁵ enabling Craigie to 'execute all deeds and writings in his Grace's absence',⁴⁶ and also authorising him to lay out £1000 per annum on 'plantations and improvements'.⁴⁷ Under Craigie, the rest of the duke's Scottish administration was to remain unchanged, the duke having signified after his nomination of Townshend that 'their shou'd be no change of the servants in the management of his affairs but that all shou'd continue as they are'.⁴⁸

As outlined above, despite the separate, legally defined stages of administration, there remained a large amount of continuity at the highest level of the estate management. Lady Dalkeith retained ultimate responsibility throughout the first two administrations, while John Craigie, in his role as 'cashier and receiver', effectively managed the estates in Scotland from 1756 until the duke's majority in September 1767.⁴⁹ Furthermore, Charles Townshend's influence over estate matters preceded his appointment as curator, dating back to shortly after his marriage to Lady Dalkeith. Although these overlapping influences in terms of the personnel of the administration are also reflected in the general management policies pursued throughout the minority, there can be discerned an important shift in several areas of estate management strategy coinciding with the beginning of Townshend's official administration. For the purposes of this study, therefore, the management policy of the first two administrations, i.e. that of Lady Dalkeith and John Craigie as Factor loco Tutoris covering the period 1751 – c.1760, will be considered together, followed by an examination of Charles Townshend's curatorship.

⁴⁴ These were sent in February or March of every year. N.A.S. GD 224/268/13, John Craigie's accounts and vouchers, 19 September 1767 – 13 September 1768.

⁴⁵ N.A.S. GD 224/388/16/9, Draft of a commission for John Craigie by the Duke of Buccleugh before he leaves for Europe, 1764. Registered in the books of Session on 8 October 1764; N.A.S. GD 224/248/23, State of the management and administration of his Grace the Duke of Buccleugh's estate April 1750 to the 13th September 1767.

⁴⁶ N.A.S. GD 224/295/2/14, Kenneth Mackenzie to Archibald Campbell, 31 December 1763.

⁴⁷ N.A.S. GD 224/248/23, State of the management and administration of his Grace the Duke of Buccleugh's estate April 1750 to the 13th September 1767.

⁴⁸ N.A.S. GD 224/623/1, Letterbook of commissioners in Scotland for the Duke of Buccleugh, p. 166, [Kenneth Mackenzie] to John Craigie of Kilgraston, 23 October 1760.

⁴⁹ Craigie continued as in the post of cashier and receiver until September 1768. See above note 16.

II. Management policy: Lady Dalkeith and John Craigie 1751-1760

Beyond a number of general statements encouraging the duke's commissioners to do all in their power to improve his estates, there is very little to indicate that during the first decade of minority administration that the improvement of the estates was an actively pursued aim of any overall land management policy.⁵⁰ As was noted in several memoranda regarding John Craigie's commission, the main emphasis was one of continuity, Craigie being authorised 'to continue the former plan of management',⁵¹ or 'to continue the plan of management of the infants estate formerly in use'.⁵² There were, however, significant developments in three areas of land management policy during this period, all of which had an important bearing on the overall improvement of the estate. These were the policies regarding the expansion of the estate, its general letting policy, and the management of the duke's woods, especially with regard to the repair of tenants' buildings.

The single most significant aspect of the land management policy pursued during the first two minority administrations was the expansion of the duke's Scottish estate. Expansion had long been a central part of the development of the Buccleuch estates, although this had been less the case under the second duke.⁵³ However, beginning in 1754, and accelerating under John Craigie's administration, a policy of expansion was again pursued using the

⁵⁰ The initial set of instructions issued to John Grant from Lady Dalkeith in 1754 included an order indicating that any of the tenants of 'grass-grounds' that desired to have any of their land enclosed were to be ordered to give in their proposals in writing, 'specifying particularly the obligations they are willing to come under in that respect'. These were then to be transmitted to Lady Dalkeith for her approval. In October 1756 John Craigie was informed that 'Her Ladyship will be very glad to agree to any plan that shall be laid before her for the improvement of the estate' and in June 1759 he was informed that he was 'at liberty to proceed in every thing relating to the management and towards the improvement of the estate under your care in every respect so far as can be legally done in the course of a minority'. N.A.S. GD 224/85/4/1, Instructions for John Grant Esquire from Lady Dalkeith, 1754 [copy]; N.A.S. GD 224/623/1 p.124, [Kenneth Mackenzie] to John Craigie, 23 October 1756; N.A.S. GD 224/623/1 p.153, [Kenneth Mackenzie] to John Craigie, 9 June 1759.

⁵¹ N.A.S. GD 224/584/11/11, Memorial, Queries and Answers, his Grace Henry Duke of Buccleugh, 30 July 1760.

⁵² N.A.S. GD 224/388/8/2, Memoriall concerning the expediency of Granting Tacks of the Estate of Buccleugh. March 1757.

⁵³ See below pp. 85-86.

savings in expenditure since the deaths of Lord Dalkeith and the second duke.⁵⁴ As has been noted above, once the commissioner had paid the various management expenses, annuities and aliments the remainder of the rental received from the estate was placed in a Bank of Scotland account until 'an opportunity should offer of employing [it] better'.⁵⁵ These 'opportunities' for the investment of capital took one of two forms; it was either 'employed on interest' by being lent out, or used for the purchase of land.⁵⁶ These purchases were approved of by Lady Dalkeith and other 'friends of the family' during her administration as tutrix, and, during John Craigie's administration, authorised by warrants of the Court of Session, after submissions had been given in from 'persons of skill and credit' regarding the rental and value of the land.⁵⁷ In April 1757 Mackenzie made Lady Dalkeith's position clear on the preferred use of the surplus capital from the duke's estate. Stating that a proposed loan of £10,000 of the duke's money was considered too large a sum, he noted that 'she would chuse my Lord Duke's money was let in smaller sums or employ'd in purchasing freehold estates in the counties where his other estates lie'.⁵⁸ Between August 1754 and May 1759, £32,234.19.1 was spent on the purchase of 16 estates bought in 13 separate transactions; two under the Countess's administration, and eleven under that of John Craigie. By May 1759, the new purchases yielded an annual rent of £1182.6.8, representing an increase of just over 7 % of the rental value of the entire Scottish estates.⁵⁹ These purchases were almost entirely

⁵⁴ N.A.S. GD 224/584/11/7, Abstract of the Gross & Free rental of the estate of Buccleugh . . . cropt 1754; However, the purchase of freehold and copyhold estates in the Manor of Adderbury, Oxfordshire, in the duke's name had begun as early as 1750. N.A.S. GD 224/86/1/1, Legal Papers between the Duke of Buccleuch and Lady Greenwich, 1768.

⁵⁵ N.A.S. GD 224/584/11/11, Memorial, queries and answers, his Grace Henry Duke of Buccleugh, 30 July 1760.

⁵⁶ N.A.S. GD 224/584/11/7, Abstract of the Gross & Free rental of the estate of Buccleugh . . . cropt 1754. By July 1759, the duke had lent out a total £15,237 at interest ranging from 4 to 5 %. £4420 of this had been repaid by that date. (£12,727 was lent out by the Countess, £2500 by John Craigie under the authority of the Court of Session.) N.A.S. GD 224/584/11/6, Note of Money funds belonging to his Grace the Duke of Buccleuch Independent of the Land Estate & Arrears thereof, July 1759.

⁵⁷ N.A.S. GD 224/584/11/11, Memorial, queries and answers, his Grace Henry Duke of Buccleugh. 30 July 1760.

⁵⁸ N.A.S. GD 224/623/1 p.134, [Kenneth Mackenzie] to John Craigie of Kilgraston, 14 April 1757.

⁵⁹ N.A.S. GD 224/584/11/4, Note of purchases made for his Grace the Duke of Buccleugh and of the prices and yearly rents thereof, July 1759; N.A.S. GD 224/284/23, Abstract of Rental 1751 – 1767.

in the South Country estates, 82% (by purchase price) being in Roxburghshire and Selkirkshire, with a further 14% in Dumfriesshire.⁶⁰

Estate correspondence and memoranda reveal that several criteria were considered for the purchase of new estates. Firstly, the location of the land relative to the other Buccleuch estates was of primary importance with any potential purchase having to lie 'contiguous' to the duke's existing estates; indeed, a memorial of 1760 noted that all of the purchases made during the duke's minority period 'lye adjacent to or intermixed with his Graces other estate'.⁶¹ This desire to consolidate the estate was consistent with general trends in land management in England and Wales, where from the 1750s onwards, the ideal estate was increasingly envisioned as a compact, contiguous unit, with greater landowners particularly keen to buy up freeholders' property intermixed with their own estates.⁶² The expansion of the Buccleuch estate was also in keeping with overall long-term pattern of landowning in the Borders, where evidence suggests that the number of landowners had gradually declined during the century up to c.1770.⁶³

Price was another obvious consideration, the land being purchased in expectation of a return on the capital invested at least as high as if it had been employed on 'interest'. The duke's agents were also aware that the price of land could become inflated if the duke was identified as a potential purchaser, and it was also considered prudent to avoid 'public rouns' or auctions wherever possible.⁶⁴ While it is difficult to ascertain whether land purchased

⁶⁰ Roxburgh £14,788 (46%); Selkirk £11,513.19.9 (36); Dumfries £4529 (14%); Peebles £1290.15 (4%); Dalkeith £110 (0.3%); N.A.S. GD 224/584/11/4, Note of purchases made for his Grace the Duke of Buccleugh and of the prices and yearly rents thereof, July 1759.

⁶¹ N.A.S. GD 224/584/11/11, Memorial, queries and answers, his Grace Henry Duke of Buccleugh. 30 July 1760; See also N.A.S. GD 224/623/1 p. 163, [Kenneth Mackenzie] to John Craigie of Kilgraston, 14 June 1760; N.A.S. GD 224/91/1 p. 6, [Kenneth Mackenzie] to John Craigie of Kilgraston, 8 January 1761.

⁶² Beckett, 'Landownership and Estate Management', pp. 548 – 549. Beckett does note later, however, that after 1750 the balance began to shift towards improvement of existing land rather than expansion. *Ibid.*, p. 590

⁶³ Timperley, 'The Pattern of Landholding in Eighteenth-century Scotland', p. 148.

⁶⁴ N.A.S. GD 224/623/1 p. 101, [Kenneth Mackenzie] to John Grant, 29 March 1755. For an example of suspicions that the duke is being charged above the market value for land dating from the beginning of Townshend's administration, see N.A.S. GD 224/91/1 pp. 3-5, Mr Scott to Charles Townshend, n.d. [December 1760], and Charles Townshend to Mr Scott, n.d. [December 1760].

during this period was bought at an inflated price, it was noted later that the rental levels of several of the new purchases had been inherited at too high a level.⁶⁵ Evidence also suggests that the strengthening of the duke's political 'interest' was another factor considered in the selection of potential purchases. As noted above, a proposal had been made in 1753 to purchase a superiority 'in one of the counties where the greatest part of the Duke of Buccleugh's estate lyes' for the use of one of the duke's younger brothers.⁶⁶ Instructions issued to John Grant from Lady Dalkeith in 1754, included an order to 'enquire for freeholds to purchase in the different counties where his Grace the Duke of Buccleugh[']s lands ly which entitle the proprietor to a vote in the election of a member of parliament'.⁶⁷ In the same orders, Grant was also instructed to continue with a purchase in Ettrickdale and to 'examine into the right it gives to a vote and particularly to allow to the manner in which the valued rent is ascertained'.⁶⁸ A memorandum drawn up listing the purchases during this period included a note of the amount of votes that each new estate would entitle the holder to, with advice, in one case, on how the number of these could be maximised.⁶⁹ As a later report noted, the land purchased in the counties of Roxburgh and Selkirk after John Craigie's appointment in 1756 was held in Craigie's name, in trust for the duke, 'with a view of creating freeholds and votes'.⁷⁰ According to the above mentioned memorandum, the land purchased up until 1759 gave the duke the potential to create six new votes in Selkirkshire, and two in Roxburghshire.⁷¹

⁶⁵ N.A.S. GD 224/91/2 pp. 4-5, William Ogilvie to the Duke of Buccleuch, 8 March 1768.

⁶⁶ N.A.S. GD 224/623/1 p. 91, [Kenneth Mackenzie] to John Grant, 26 March 1754.

⁶⁷ N.A.S. GD 224/85/4/1, Instructions for John Grant Esquire from Lady Dalkeith, 1754 [copy].

⁶⁸ N.A.S. GD 224/85/4/1, Instructions for John Grant Esquire from Lady Dalkeith, 1754 [copy].

⁶⁹ For example, the entry for the purchase of the lands of Deuchar and Kershope in Selkirkshire purchased in July 1755, notes 'The lands of Deuchar & Kershope are near £1200 scots of valued rent so with a small addition would make three votes'. N.A.S. GD 224/584/11/4, Note of purchases made for his Grace the Duke of Buccleugh and of the prices and yearly rents thereof, July 1759.

⁷⁰ Entry in the duke's accounts for 'infeffing your Grace in all late purchases in the counties of Roxburgh and Selkirk', N.A.S. GD 224/273/1, Archibald Campbells Accompts of Charge and Discharge . . . 13th September 1768 to 19th September 1769; see also N.A.S. GD 224/324/14, Exact Disposition Mr John Craigie to his Grace the Duke of Buccleugh, 10th and 12th September 1768.

⁷¹ N.A.S. GD 224/584/11/4, Note of purchases made for his Grace the Duke of Buccleugh and of the prices and yearly rents thereof, July 1759.

Lady Dalkeith's attitude towards the relationship between the promotion of the duke's political interest and the management policy of his estates was also made apparent in the debate surrounding the appointment of a new chamberlain to the Melrose and Ettrick Forest estate in March 1757. The commissioners (John Craigie, the Lord President, and the Marquis of Tweeddale) had recommended that the position should be filled by a Mr John Craigie. The duke's London agent replied that although Lady Dalkeith would 'at all times be very glad to oblige [Craigie of Kilgraston] and more particularly to take the recommendation of the Marquis of Tweeddale and the Lord President', in this case she was

very desirous this vacancy shod. be filled by some Gent[leman] of Estate in either Selkirkshire or Roxburgh, who may be desirous of the employment and capable of it, and who may by such favour be attach'd to the Interest of the Duke her son and his family at the same time that he is employed to the benefit of the estate. Her Ladyship directs me to add she is sure the Marquis of Tweeddale and Lord President will agree with her in thinking these two points shoud be made to concurr as often as they can and her Ladyship therefore cannot byt wish for the Interest of her son and his weight in Scotland that these points may allways be consulted and promoted together upon every opportunity.⁷²

Lady Dalkeith favoured the appointment of William Ogilvie of Hartwoodmyre, Selkirkshire, 'of whose inclination to have this appointment and his fitness for it she has been well informed & whom she cannot but wish to see made by this occasion the usefull & friend he might be to the genl. interest of the Duke of Buccleuch in the County of Selkirk'.⁷³ The commissioners acquiesced, Ogilvie was appointed chamberlain, and went on subsequently to become the sole-chamberlain for the entire South Country estate in November 1767.⁷⁴ It was also expected that those connected with the estate and who had votes should follow the duke's interest. In a letter of 9 June 1759 Craigie was instructed to write to all 'the vassals and factors who have votes in the different countys in which the duke is concerned not to

⁷² N.A.S. GD 224/623/1 p. 133, [Kenneth Mackenzie] to John Craigie of Kilgraston, 26 March 1757.

⁷³ *Ibid.*

⁷⁴ See below p. 104. John Craigie was later appointed as chamberlain of Eskdale and Cannonby on the death of the factor there; N.A.S. GD 224/623/1 p. 142, Charles Townshend to the Marquis of Tweeddale, 10 June 1758; N.A.S. GD 224/459 p. 125, Memorial Introductory to the question about the arrear of Customs at Langholm 1757, [1771].

engage themselves to any candidate whatever without her Ladyships knowledge, particularly Mr. Ogilvie chamberlain of Melrose.’⁷⁵

Central to any land management strategy was the letting policy employed upon the estate. Although no memoranda or policy statements survive regarding this aspect of management during the first stage of the duke’s minority, it is possible to identify from estate correspondence two areas of concern; firstly the maintenance of current rental levels, and secondly, an attempt to enable the duke’s agents to set longer leases. The overriding concern regarding letting policy that emerges from management correspondence was that they should continue at least at current levels, and that in no circumstances should they be allowed to be lowered. It was noted in John Grant’s commission, that he was empowered to set the terms of the leases ‘under such conditions, and for such space of time as he shall think proper’, the only stipulations being that they could not be set for longer than the duke’s pupilarity, and that they ‘be not set under the present rent’.⁷⁶ This determination to maintain the levels of rental was further evidenced in Lady Dalkeith’s response to the collective action by a number of the duke’s tenants in 1754. The tenants involved seem to have been attempting to lower the rents of their farms by relinquishing their leases, with a view to securing them again at a lower rent at public roup, where they would be unopposed by the other local tenants.⁷⁷ The first mention of this attempt was in a letter of 16 November 1754, which referred to a ‘rebellion amongst the tenants, which surely will prove dangerous if nursed or encouraged.’ It was noted that once the journals of landsetting were sent up such orders would be issued ‘as you think necessary to suppress this rebellion’.⁷⁸ In December 1754, Mackenzie requested that John Grant pass on his plan for ‘letting the farms given up at landsetting’. He continued, ‘for tho’ severity may not be properly used at all times yet in this

⁷⁵ N.A.S. GD 224/623/1 p. 153, [Kenneth Mackenzie] to John Craigie of Kilgraston, 9 June 1759.

⁷⁶ *Ibid.*, p.3, Commission to Mr. John Grant . . . 4 January 1754.

⁷⁷ For an example of similar collective action amongst tenants, see T. M. Devine, *The Transformation of Rural Scotland*, pp. 66 – 67.

⁷⁸ N.A.S. GD 224/623/1 p.96, [Kenneth Mackenzie] to John Grant, 16 November 1754.

case it ought to be threaten'.⁷⁹ In February of the following year it was ordered that 'The tenants who gave up their farms are not to be excluded from bidding at a public roup, but there must be no abatement of the rent, [even] if the farms should lie waste for this year.'⁸⁰ In April, Grant was informed that he should 'endeavour to lett the South Country Estate as well and as soon as you can', and that 'Her ladyship only desires that the farms on hand may not be lett at a lower price if they should lye waste for a year'.⁸¹ A week later he was informed that 'the Duke of Argyll still continues of the opinion, that the rents ought not to be diminished.'⁸² Again, on 26 April it was noted that regardless of the supposed value of a certain farm, 'her Ladyship is against letting it, or any other under the former rent, because the precedent might be attended with dangerous consequences every year over all the estate'.⁸³ There is no mention in the management correspondence of any attempt to significantly raise the level of rentals until June 1761,⁸⁴ a fact borne out by the gross rental levels during this period.⁸⁵

The second aspect of letting policy regarded the attempt to allow the duke to set longer leases. A condition of the strict entail set on the Buccleuch estates was that tacks could only be set for a maximum of the heir of entail's lifetime.⁸⁶ As a petition of 1757 noted 'even this liberty had been very little made use of; this great estate has been generally let by annual sets'.⁸⁷ This inability to grant longer leases was considered to be a disadvantage for the estate in two respects; firstly, the cost of the several annual 'landsettings' held on the various estates, with the attendance of legal agent, accountant, chamberlain and the tenants.⁸⁸

⁷⁹ *Ibid.*, p.97, [Kenneth Mackenzie] to John Grant, 28 December [1754].

⁸⁰ *Ibid.*, p.99 - 100, [Kenneth Mackenzie] to John Grant, 1 February 1755.

⁸¹ *Ibid.*, p. 102, [Kenneth Mackenzie] to John Grant, 12 April 1755.

⁸² *Ibid.*, p. 103, [Kenneth Mackenzie] to John Grant, 19 April 1755.

⁸³ *Ibid.*, p. 103, [Kenneth Mackenzie] to John Grant, 26 April 1755.

⁸⁴ N.A.S. GD 224/91/1 p. 11, [Kenneth Mackenzie] to John Craigie of Kilgraston, 9 June 1761.

⁸⁵ N.A.S. GD 224/284/23, Abstract of Rentals 1751-1766.

⁸⁶ See below p. 86.

⁸⁷ N.A.S. GD 224/392/14, Printed petition from John Craigie of Kilgraston to the Right Honourable the Lords of Council and Session, n.d. [1757].

⁸⁸ A later observation noted that the landsetting expense had been rising throughout the duke's minority, due in part to the cost of 'provisions and entertaining not only the gentlemen who dine with the commissioners but the lower class of tenants'. N.A.S. GD 224/248/23 pp. 14 - 15, 'Observations'

Secondly, the insecurity of tenure of an annual lease was regarded as a disincentive to the tenants to improve their holdings; as one petition noted 'no improvement can be expected by inclosing or otherwise, while the possession of tenant is so precarious',⁸⁹ while another memorial stated that this insecurity was 'a great discouragement to agriculture'.⁹⁰ This insecurity was further heightened by the right of revocation of any tack on the appointment of a new tutor or curator.⁹¹

The first indication of an attempt to grant longer leases dates from October 1756, when Mackenzie reported that, 'Her ladyship will be very glad to agree to any plan that shall be laid before her for the improvement of the estate, but does not incline that any leases shall be granted but what shall be revokable by the Duke within six months after his choosing his curators.'⁹² In March 1757 Craigie petitioned the Lords of Council and Session for the right to grant longer leases on the duke's behalf, a plan which was noted as having 'been approven by the friends of the family'.⁹³ The petition was successful and a Judicial Act of the Lords of Council and Session of 9 March 1757 allowed tacks to be granted up until one year into the duke's majority, with two other conditions: that any tacks issued could be revoked by the duke and his curator within six months of their appointment, and that they would be revoked by the death of the duke.⁹⁴ It is not clear from the estate papers the extent to which this new power was used throughout the estates, but a number of tacks do survive from the low-lying

on the abstract of rental 1750 - 1766. By 1766 the annual expense of landsetting was £400. N.A.S. GD 224/584/11/3, Abstract of the Rental of the Duke of Buccleugh's Estate Crop 1766.

⁸⁹ N.A.S. GD 224/392/14, Printed petition from John Craigie of Kilgraston to the Right Honourable the Lords of Council and Session, [1757].

⁹⁰ N.A.S. GD 224/388/8/2, Memoriall concerning the expediency of granting leases or tacks of the estate of Buccleugh, March 1757.

⁹¹ N.A.S. GD 224/623/1 p. 114-115, [Kenneth Mackenzie] to John Craigie of Kilgraston, 24 April 1756; GD 224/91/1 p. 11, [Kenneth Mackenzie] to John Craigie of Kilgraston, 9 June 1761.

⁹² N.A.S. GD 224/623/1 p.124, [Kenneth Mackenzie] to John Craigie of Kilgraston, 23 October 1756.

⁹³ N.A.S. GD 224/388/8/2, Memoriall concerning the expediency of granting leases or tacks of the estate of Buccleugh, March 1757; N.A.S. GD 224/392/14, Printed petition from John Craigie of Kilgraston to the Right Honourable the Lords of Council and Session, [1757].

⁹⁴ N.A.S. GD 224/114/6/2, Tack for Brewlands (Dalkeith), 19 August 1758; N.A.S. GD 224/392/14, Printed petition from John Craigie of Kilgraston to the Right Honourable the Lords of Council and Session, [n.d.]

and predominantly arable estates of Canonbie and Dalkeith issued in 1758 for ten years.⁹⁵

Although giving increased security of tenure, these tacks contained very limited stipulations regarding the improvement of the land in question: assignees and subtenants were excluded, except with the duke's consent, and tenants were obliged to upkeep existing enclosures and to 'labour and manure the said lands regularly and dung the same sufficiently according to the practice of the best husbandmen of the country'.⁹⁶

Another aspect of management policy that was revised during this period was the rules surrounding the management of the duke's woods in relation to the repair of the tenants' houses. Records for the management of part of the Buccleuch woods date back to the first half of the seventeenth century, with evidence suggesting management may date back to the late sixteenth century.⁹⁷ During the first quarter of the eighteenth century, under the duchess of Buccleuch, there was an increase of forest management activity with the development of enclosed plantations in several areas of the Buccleuch estates. This activity also included a number of surveys, and indicated, according to one historian, a notable level of 'silvicultural understanding and commercial intent', including the appointment of more personnel with responsibility for planting and maintaining the woods, and the establishment of nurseries.⁹⁸ The management of the woods and the repair and rebuilding of tenants' houses were closely linked upon the Buccleuch estates, due to the use of 'weedings' or thinnings from the duke's plantations for building materials; a report of 1760 on the wood in the Yarrow valley upon the Ettrick Forest estate noting, 'the tenants . . . have been served mostly out of the weedings of it for building and repairing their houses for a great many

⁹⁵ N.A.S. GD 224/388/8/3, 4, 5, Canonbie Tacks 1758; N.A.S. GD 224/114/2, 3, 4, Dalkeith Tacks 1758. Longer tacks were given for some of the new estates purchased during the duke's minority, as they were not restricted by the entails that applied to the older estates, although the majority of these also were set to end in 1768. The exceptions to this are the tacks set to the tenants of the estates of Braidlie and Gorrenberry, who were granted 15 year tacks, from Whitsunday 1760, and the farm of Howpasley, set for 21 years from Whitsunday 1761. N.A.S. GD 224/285/5, Rentals of His Grace Henry Duke of Buccleugh, 1768, pp. 15, 20.

⁹⁶ N.A.S. GD 224/114/2, 3, 4: Dalkeith Tacks 1758.

⁹⁷ A. H. H. Smith, 'A History of two Border Woodlands', in T. C. Smout (ed.), *Scottish Woodland History* (Edinburgh, 1997), p. 152.

⁹⁸ *Ibid.*, pp. 152-154.

years'.⁹⁹ The growing connection between these two areas of management was acknowledged in 1765 when the post of 'supervisor of improvements' was introduced, with overall responsibility for the duke's woods.¹⁰⁰ The practice regarding building and repairing tenants' houses on the Buccleuch estates prior to the third duke's accession had, according to a later memorial, been in accordance with the 'customs of the country'; the proprietor provided the timber and paid the wages of the tradesmen while the tenant was responsible for supplying 'meat and service' and the carriage of the materials.¹⁰¹ During the duke's minority the practice was altered with the duke no longer paying for the labour, although the tenants were still allowed wood from the duke's forests for their repairs. According to a memorial of 1769:

In several instance[s] during [the minority], where the tenant built upon a plan & estimate approved of by the Duke's commissioner for the time, allowance was given of the expence disbursed, upon the tenant paying at the rate of 5. or 6. % [per] annum of the sum by way of additional rent charge, but the value of the timbers furnished from the Duke's woods made no part of that capital.¹⁰²

This revised system seems to have been instigated on Lady Dalkeith's orders, as part of the management changes introduced with John Grant's appointment as commissioner. Included in his initial instructions from the countess in 1754, was an order that wood was to be allowed for the repairing of tenants' houses. To prevent 'embezzlements', however, the regulations that had been set at the last land-setting regarding the cutting of wood were to be 'strictly adhered to', and 'the houses to be visited and their situation reported before any orders are given for repairing them.' In the case of tenants whose houses were 'entirely ruinous', they were to be rebuilt at the expense of the duke, providing the tenants paid seven and a half percent additional rent for the money laid out on them.¹⁰³ Two years later, in

⁹⁹ *Ibid.*, p. 155.

¹⁰⁰ N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate, p. 34.

¹⁰¹ N.A.S. GD 224/459 p. 57, Memorial Concerning the Repairs of Tenant's Houses and Management of Woods over the Duke of Buccleugh's Estates with hints to a Plan for future Regulation of both, [William Ogilvie] June 1769.

¹⁰² *Ibid.*

¹⁰³ N.A.S. GD 224/85/4/1, Instructions for John Grant Esquire from Lady Dalkeith, 1754 [copy].

October 1756, John Craigie was instructed that, in those counties where the duke's wood was in plentiful supply, the tenants 'shou'd be supplied with as much wood as the chamberlain's shall think necessary for building and repairing their houses'. It was noted at this point, however, that there was not to be introduced the 'practice of a general repair', as that would be 'an endless expence to the landlord, especially as it had not been usual on this estate'.¹⁰⁴ In order to facilitate the better management of the duke's plantations, Lady Dalkeith also ordered at this time that 'proper persons' should be 'immediately' appointed for 'taking care of the woods and weeding them annually under the inspection of the several chamberlains of the estates on which the woods are growing', noting that they should be paid 'reasonable salarys',¹⁰⁵ indicating that earlier levels of management practice established in the first decades of the century had not been maintained. By the beginning of 1757 a forester had been appointed for the woods of Eskdale, and permission granted for the appointment of another if it was deemed necessary.¹⁰⁶ Despite these initiatives, it was reported in January 1760 that

the wood in the [Ettrick] forrest are but indifferently look'd after, and that the tenants have a liberty to cutt young & old trees where they please when any timber is wanted or pretended to be wanting for their necessary repairs without any forrester or other officer to attend them.¹⁰⁷

Later that year after a survey of the woods of Canonbie and Eskdale revealed them to be worth 'a much larger sum than was expected', it was noted that 'the Countess expects and desires that all proper care may be taken to preserve them and to encourage plantations in other parts of the estate, where natural wood does not grow'.¹⁰⁸ By the end of the duke's minority, ten foresters had been appointed throughout the duke's estates.¹⁰⁹

Of the specific policies that were introduced during this period to promote improvement upon the estate, almost all seem to have originated with John Craigie and the

¹⁰⁴ N.A.S. GD 224/623/1 p.124, [Kenneth Mackenzie] to John Craigie of Kilgraston, 23 October 1756.

¹⁰⁵ *Ibid.*, p.124, [Kenneth Mackenzie] to John Craigie of Kilgraston, 23 October 1756.

¹⁰⁶ *Ibid.*, p.125, [Kenneth Mackenzie] to John Craigie of Kilgraston, 15 January 1757.

¹⁰⁷ *Ibid.*, p. 159, [Kenneth Mackenzie] to John Craigie of Kilgraston, 31 January 1760.

¹⁰⁸ *Ibid.*, p. 163, [Kenneth Mackenzie] to John Craigie of Kilgraston, 14 June 1760.

¹⁰⁹ N.A.S. GD 224/257/1, William Ogilvie's Account of Charge and Discharge, 1767.

Scottish commissioners. From 1751 to 1759 the total rental from the duke's estates in Scotland rose from £15,716 to £17,414, a rise of 10.8%. However, if the rental income from the new purchases is taken into account the rise is of £516, just over 3.25% over eight years.¹¹⁰

III. Management policy: Charles Townshend c.1760-1767

Although Charles Townshend's curatorship officially began on 3 March 1761, when his nomination by the duke was confirmed by an Act of Curatory of the Court of Session, correspondence reveals that his involvement over the management of the duke's estates had begun much earlier. In November 1755, two months after Townsend's marriage to Lady Dalkeith, Mackenzie related to John Grant that any instructions regarding the management of the estate would have to wait until the Duke of Argyll had met with Townshend.¹¹¹ By June 1758 Townshend had begun to correspond directly with the duke's commissioners on the countess's behalf regarding the management of the duke's estate, and from this point orders were given jointly in the names of Lady Dalkeith and Townshend.¹¹²

Townshend's personal involvement in the practical management of the estate increased following his visit to the duke's estates in the summer of 1759. The visit, which lasted for two months from mid-June until mid-August,¹¹³ was Townshend's first to

¹¹⁰ The Melrose and Ettrick Forest estate had the smallest rise (0.33%), followed by Dalkeith (1.54%), Eskdale and Cannonby (5.16%), Liddesdale (13.56%), Ettrick Forest and Eckford (17.57%), and Tiviotdalehead (23.47%). These figures include the rental from the new purchases. N.A.S. GD 224/284/23, Abstract of Rentals on Buccleugh Estates 1751-1767; N.A.S. GD 224/584/11/4, Note of purchases made for his Grace the Duke of Buccleugh and of the prices and yearly rents thereof, July 1759.

¹¹¹ N.A.S. GD 224/623/1 p.110, [Kenneth Mackenzie] to John Grant, 11 November 1755.

¹¹² *Ibid.*, p.142, Charles Townshend to Marquis of Tweeddale, 10 June 1758; *Ibid.*, p. 153, [Kenneth Mackenzie] to John Craigie of Kilgraston, 9 June 1759.

¹¹³ For a brief account of his visit see Namier and Brooke, *Charles Townshend*, pp. 57-59; for his involvement in the Scottish Militia issue see, John Robertson, *The Scottish Enlightenment and the Militia Issue* (Edinburgh, 1985), pp. 107-110. Townshend and Lady Dalkeith planned to leave England for Scotland on Tuesday 12 June hoping to arrive in Dalkeith by Saturday 16 June, and accounts show they left Dalkeith on 16 August. N.A.S. GD 224/623/1 p. 153, Kenneth Mackenzie to John Craigie of Kilgraston, 9 June; N.A.S. GD 224/377/10/4 [3], Abstract of the Right Hon. The Countess of Dalkeith & the Right Hon. Charles Townshend Esq. Family Accounts at Dalkeith 1759.

Scotland, and only Lady Dalkeith's second since the death of the second duke.¹¹⁴ During their stay they kept a 'public day' once a week at Dalkeith,¹¹⁵ and Townshend enthusiastically entered into local society, which he favourably described in correspondence;

We see an infinite variety of company here. The whole neighbourhood have dined with us. . . . All the lords of session, all the resident gentle men of estate, the gentlemen of law, the presbytery, and every order of men have been to see us, and continual as the hurry has been, I own it had nevertheless been agreeable to me. The women are lively, the men are learned, and both are well bred. Curiosity too has had some merit in my amusement, and the face of this part of the kingdom, so very new to me, has pleased me, independently of the very great civility and personal favour I have met with.¹¹⁶

Townshend seems to have made an impression on learned Edinburgh society, particularly by his advocacy of a Scottish militia; as one contemporary noted, 'no man did surely ever make himself so popular in so short a time as [Townshend] did in this country'.¹¹⁷ There were even suggestions that he would stand as M. P. for Edinburgh and use his Scott and Campbell family connections to succeed the Duke of Argyll as political manager for Scotland.¹¹⁸

Townshend's venture into Scottish politics was, however, short lived: as his biographers note:

It is difficult to say how far Townshend himself shared these ambitious dreams (so remote from reality), or whether he had only prompted them in others. But it is clear that by about November 1759 he had lost interest in Scotland.¹¹⁹

Although this may have been true of his involvement in Scottish political life, it does not seem to have been the case regarding the duke's affairs, and in particular, the improvement of his estate. It was during this visit that Townshend first met with Adam Smith and discussed the possibility of Smith tutoring the duke, and arranged for him to purchase books

Their expenses for the stay came to £626.14.6. N.A.S. GD 224/377/10/4 [1], Note of Lady Dalkeith's expenses at Dalkeith during the summer of 1759.

¹¹⁴ The countess visited Dalkeith in the summer of 1754. N.A.S. GD 224/623/1 p. 92.

¹¹⁵ *Ibid.*, p. 153, [Kenneth Mackenzie] to John Craigie of Kilgraston, 9 June 1759.

¹¹⁶ Charles Townshend to Lady Townshend [n.d.], quoted in Namier and Brooke, *Charles Townshend*, p. 57.

¹¹⁷ John Dalrymple to Charles Townshend, 29 August 1759, quoted in Namier and Brooke, *Charles Townshend*, p. 57.

¹¹⁸ Namier and John Brooke, *Charles Townshend*, p. 59.

¹¹⁹ *Ibid.*, p. 58.

for Buccleuch.¹²⁰ During his stay Townshend also set about initiating a series of ‘improvements’ to the grounds and policies of Dalkeith House, commissioning James Adam to design a bridge over the river Esk,¹²¹ and outlining plans for new plantations.¹²² Although these ‘improvements’ were primarily concerned with the beautification of Dalkeith House and its policies, Townshend does seem to have been inspired by his visit to introduce more practical improvements. Henry Home, Lord Kames, wrote to him in February 1760, seemingly at his request, regarding a plan to introduce industry to the Buccleuch estates, in particular, on the possibility of introducing lace-making by having the family send up an expert from England.¹²³ Although nothing came of the scheme, another that Townshend apparently decided on during his visit did come to fruition – that of sending two Norfolk farmers to farm part of the duke’s parks at Dalkeith.

The first mention of the scheme comes less than two months after Townshend’s visit, in a letter of 6 October 1759, from Gilbert Grierson, the chamberlain of the Dalkeith estate. Grierson noted that the land would soon be ready for the ‘bailiff’ that Townshend intended to send the following February, and that as it was soon to be taken back into the duke’s possession, it might be advisable for him to come and ‘look at the grounds he is to improve.’¹²⁴ On 29 January two Norfolk farmers, Philip Buskall and James Edgar, accompanied by their servants left London for Dalkeith, on Townshend’s instruction.¹²⁵ Described as ‘men of character & substance’, they were to manage the parks at Dalkeith and be paid a salary of £50 a year as well as a maintenance, later estimated to be £1 and 8

¹²⁰ See below p. 63.

¹²¹ N.A.S. GD 224/377/10/7 [2], Note of Disbursement by Kenneth Mackenzie for and on account of the Farmers sent to Dalkeith, and of Bridge to be built over the Esk at Dalkeith.

¹²² N.A.S. GD 224/295/3/15 [old catalogue], Gilbert Grierson to Charles Townshend, 6 October 1759; N.A.S. GD 224/295/3/17 [old catalogue], Andrew Fletcher [of Saltoun] to [?], 11 November 1759; N.A.S. GD 224/295/3/37 [old catalogue], John Dalrymple to Charles Townshend, 16 October 1759.

¹²³ N.A.S. GD 224/295/3/16 [old catalogue], Henry Home to Charles Townshend, 23 February 1760.

¹²⁴ N.A.S. GD 224/295/15 [old catalogue], Gilbert Grierson to Charles Townshend, 6 October 1759.

¹²⁵ N.A.S. GD 224/623/1 p. 159, [Kenneth Mackenzie] to John Craigie of Kilgraston, 31 January 1760; N.A.S. GD 224/248/23, General review of affairs of the Duke of Buccleugh, from April 1750 to 13 September 1767, p. 34; N.A.S. GD 224/377/10/7 [2], Note of Disbursement by Kenneth Mackenzie for and on account of the Farmers sent to Dalkeith, and of Bridge to be built over the Esk at Dalkeith.

shillings per week.¹²⁶ Instructions were given to the Dalkeith chamberlain that the farmers 'must have the land stocked as they chuse, & all the utensils they require, but are to keep an account of all charges & profits for the Duke of Buccleugh.'¹²⁷ The instructions continued,

They must have the gardener's house to live in & the stables, barn & outhouses as they want, they are to have all the parks beyond the deer park & even the square large grass close near the river if required. They may divide the parks drain and improve as they please, & you will take care nothing shall be wanting to enable them to pursue the undertaking[.]¹²⁸

Part of the land they were to manage was formerly rented out at £310, and was taken back into the duke's 'natural possession' for their use.¹²⁹ In addition to draining, enclosing and improving the parks they were also ordered to build a barn and dairy and extend the 'offices' or farm buildings.¹³⁰

By the end of February, the farmers were informed that Townshend 'approves of all you[r] proposals, and you may begin your operations as soon as possible[,] particularly ditching and dividing, and planting the quicksetts'. Townshend also requested to be informed of the total number of acres under the farmers' care.¹³¹ By the beginning of March, George Campbell¹³² wrote to Townshend stating that 'The farmers you have sent to Dalkeith, are a greater acquisition to this country than it has made for many years'. He continued:

I have taken the liberty to suggest a hint, to render their influence in the Duke of Buccleugh's estate more universal. It is to oblige each of the factors on his Grace[']s estate to dress at least one acre of ground yearly, according to their directions, this will be no great hardship in the factors the quantity of ground so to be used is so small, and it will diffuse their practice in agriculture to every corner of the estate.¹³³

Although there is no evidence of Campbell's suggestion being taken up, correspondence reveals that the role of the English farmers was not to be limited to the improvement of the

¹²⁶ N.A.S. GD 224/623/1 p. 164, [Kenneth Mackenzie] to Gilbert Grierson, 14 June 1760.

¹²⁷ *Ibid.*, p. 158, [Kenneth Mackenzie] to Gilbert Grierson, 29 January 1760.

¹²⁸ *Ibid.*

¹²⁹ N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate, p. 14.

¹³⁰ N.A.S. GD 224/623/1 p. 161, [Kenneth Mackenzie] to Phillip Buskell, 28 February 1760.

¹³¹ *Ibid.*

¹³² Campbell was Sheriff of Forfarshire, and seems to have been employed by Townshend from late September 1759 'in the duke's affairs'. N.A.S. GD 224/295/3/4 [old catalogue], George Campbell to Charles Townshend, 25 September 1759.

¹³³ N.A.S. GD 224/295/3/3 [old catalogue], George Campbell to Charles Townshend, 6 March 1760.

Dalkeith parks, and that the 'diffusion' of their practices throughout the duke's estates was indeed Townshend's intention. Instructions issued in June 1760 had noted that Lady Dalkeith and Townshend were 'mighty desirous' that enclosures should be made upon the estate at the duke's expense 'when the land will pay for it'.¹³⁴ At the end of February 1761, Mackenzie wrote to Philip Buskall informing him that Townshend was 'mighty well satisfied with your proceedings'. The letter continued:

When you have time to spare Mr. Townshend wou'd be glad that you wou'd take a ride to Cannonby and some other parts of the Duke's estate near the border to make your observations of what improvements might be made on some of these farms; if any farm that is suitable in those parts cou'd be conveniently got for Mr. Elgar Mr. Townshend wou'd not only give it him, but assist him with money towards the improvement. I shall write to Mr. Craigie on this subject and he will talk to you about it.¹³⁵

A month later, Mackenzie wrote to John Craigie, replying to some proposals made by the commissioner:

Mr. Townshend approves much of your taking Mr. Buskall along with you at the land setting, and he had no objection in employing some of the duke's money in improving the estate according to your plan, but desires that no advances of that nature be made to any of the tenants untill you report the tenant's name, the state, & condition of his farm, and the sum required to be advanced; you'll recommend to Mr. Buskall to make all the observations he can upon the situation of the different farms and the way & manner in which they cou'd be most properly improved, & as near as possible to compute the expence of such improvement.¹³⁶

A third English farmer, John Church, originally sent by Townshend to survey the estate, was put in charge of the woods of Eskdale and Canonbie in October 1764,¹³⁷ and was operating as 'Overseer of Improvements and Plantations' by the following year.¹³⁸ In 1766 he also took

¹³⁴ N.A.S. GD 224/623/1 p. 163, Kenneth Mackenzie to John Craigie of Kilgraston, 14 June 1760.

¹³⁵ N.A.S. GD 224/91/1, p. 7, [Kenneth Mackenzie] to Phillip Buskall, 28 February 1761.

¹³⁶ *Ibid.*, p. 8, [Kenneth Mackenzie] to John Craigie, 26 March 1761.

¹³⁷ N.A.S. GD 224/459 p. 102, Memorandum from Mr. Farquaharson for Mr. Campbell. Relative to Mr. Churches accounts [nd].

¹³⁸ N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate, p. 34.

over management of the farm and parks at Dalkeith from Philip Buskall,¹³⁹ who had since returned to England on an annuity of £42.¹⁴⁰

Townshend's efforts to bring more advanced farming methods from England serves as an interesting example of an attempt to introduce 'improvement by example', a process that has been characterised as typical of the early improvers in Scotland.¹⁴¹ The attempt also serves to show the extent of Townshend's personal involvement in this aspect of land management policy, and as such is an early indication of his intentions regarding the direction of the estate management strategy as a whole.

Townshend's administration also seems to have resulted in a reappraisal of aspects of the letting policy for the estate. In June 1760 Craigie was informed that Townshend and Lady Dalkeith were 'desireous that you will continue to discourage and destroy the practice of subsetting', and that 'at your leisure you will digest and form the heads of a bill for Enabling the Duke and Guardians to make leases for any term not exceeding 21. years.'¹⁴² Four months later, shortly after Townshend's nomination as curator by the duke, Mackenzie wrote to Craigie stating that, 'upon your representation of circumstances Mr Townshend approves of the present method of letting the estate so as to leave as much of those matters as possible in the Duke's power that he may act therein when of age as shall think proper'.¹⁴³ A letter of the following April in reply to a memorial, however, stated that Lady Dalkeith and Townshend would not agree to give 'such charity leases' as had been requested as they were

¹³⁹ *Ibid.*, p. 18; John Church continued as manager of Dalkeith farm until 16 August 1770, when he went to live in Canonbie and was replaced by his son, James. N.A.S. GD 224/273/2, Archibald Campbell's accounts and vouchers 1769 – 1770.

¹⁴⁰ The annuity was paid for two years until Candlemass 1767. N.A.S. GD 224/248/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate, p. 39. The duke's accounts contain a receipt for Buskall's pension, signed in Gateshead, Norfolk, and dated 8 September 1766. N.A.S. GD 224/268/11, Accounts and vouchers for 12 March 1766 – 20 February 1767, John Craigie.

¹⁴¹ T. C. Smout notes, 'a trickle of skilled Englishmen arrived throughout the century at the invitation of the nobility and gentry to manage their own farms and to teach the sons of local farmers better ways.' T. C. Smout, *A History of the Scottish People 1560 – 1830* (London, 1969, 1985), p. 274.

¹⁴² N.A.S. GD 224/623/1 p. 163, Kenneth Mackenzie to John Craigie of Kilgraston, 14 June 1760.

¹⁴³ N.A.S. GD 224/91/1 p.1, [Kenneth Mackenzie] to John Craigie of Kilgraston, 23 October 1760.

considered to be 'greatly to the prejudice of the Duke of Buccleugh's estate'.¹⁴⁴ On 9 June 1761 it was noted,

As to the new tack to be granted you will enquire & consider how far some particular farms can bear an additional rent, and act accordingly for the benefit of the land lord without overstraining the tenants. The factors ought to give notice to the tenants that they are secure in their tacks granted under you administration, if the conditions of paying rent etc. are performed.¹⁴⁵

Charles Townshend's administration also witnessed a change in the land buying policy that had been pursued during the first decade of the duke's minority. An important factor in the shift in policy towards the Scottish estates was Townshend's view that the duke's money would be better spent on improving the existing estates rather than on further expansion. In January 1761, Kenneth Mackenzie notified John Craigie that Townshend had approved the purchase of the Gorrenbury estate, but noted, 'he seems rather more desirous to improve the estates already in possession, than to purchase any more for the Duke of Buccleugh'.¹⁴⁶ Earlier correspondence regarding the Gorrenbury purchase shows that Townshend had requested that a report be made outlining its 'circumstances' and the extent to which it was 'improvable' – the first time that this criterion had been expressly stated in correspondence regarding a purchase during the duke's minority.¹⁴⁷ Around the same time, Townshend decided that the duke should not pay the £15,000 that he was due to pay his aunt, Lady Jane Scott, but rather continue to pay her interest, Mackenzie noting 'Mr Townshend thinks it will be of more advantage to the Duke to employ so large a sum of money in the purchase and improvement of lands in Scotland'.¹⁴⁸ The following year, Townshend approved the purchase of the estate of Falnash, even though it was noted that its price 'far

¹⁴⁴ *Ibid.*, p. 9, [Kenneth Mackenzie] to John Craigie of Kilgraston, 18 April 1761.

¹⁴⁵ *Ibid.*, p. 11, [Kenneth Mackenzie] to John Craigie of Kilgraston, 9 June 1761.

¹⁴⁶ N.A.S. GD 224/91/1 p. 6, [Kenneth Mackenzie] to John Craigie of Kilgraston, 8 January 1761.

¹⁴⁷ N.A.S. GD 224/623/1 p. 163, [Kenneth Mackenzie] to John Craigie of Kilgraston, 14 June 1760.

¹⁴⁸ N.A.S. GD 224/91/1 p. 8, [Kenneth Mackenzie] to John Craigie of Kilgraston, [March/April 1761]; N.A.S. GD 224/248/23, General review of affairs of the Duke of Buccleugh, from April 1750 to 13th September 1767. Lady Jane Scott had been granted a bond of £15,000 by her brother Earl Francis. By a proceeding against Duke Henry before the Lords of Council and Session, this was limited to 4 % per annum from 1752 until 1761, at which point the duke and Townshend agreed to pay increased interest at 5 % per annum rather than the principal which had been demanded. N.A.S. GD 224/268/12, Mr Craigie's Accounts and vouchers for 20 February – 13 September 1767.

exceeds the rule which has been observed as to the price of estates for the Duke of Buccleugh'. It was further stipulated, however, that 'at the same time whatever may be your price, is not hereafter to be considered as a precedent, his Grace's estate in land requiring more improvement than enlargement'.¹⁴⁹ Townshend's statements regarding this aspect of estate policy is backed up by the reduced level of expenditure on such purchases during his administration. From 1759 to 1767 £20,420 was spent on new land in Scotland – a significant amount but less than half the annual average of the earlier period.¹⁵⁰ Furthermore, of the five significant purchases made during his administration, two were already underway before Townshend became curator, albeit with his consent.¹⁵¹

Townshend's professed desire to improve rather than expand the estate is certainly consistent with the other initiatives he introduced, but several other factors may also have contributed to this change in policy. Research has suggested that the opportunities for estate expansion in Scotland as a whole declined from the 1740s onwards as the economic climate began to favour smaller landowners. And an increasingly active land market in the Borders in the latter part of the century certainly led to increased competition for the greater

¹⁴⁹ N.A.S. GD 224/91/1 p. 23, [Kenneth Mackenzie] to John Craigie of Kilgraston, 16 March 1762.

¹⁵⁰ An annual average of c. £2915 for 1759-1767, compared to c. £6447 for 1754-1759. The total expenditure on land purchases in Scotland during the duke's minority was £52,654, giving a rental by 1766 of £2023.14.6 8/. N.A.S. GD 224/284/23, State of the Management and Administration of His Grace Henry Duke of Buccleugh's Estate. August 1768; N.A.S. GD 224/584/11/4, Note of purchases made for his Grace the Duke of Buccleugh and of the prices and yearly rents thereof, July 1759; N.A.S. GD 224/324/7/10, Abstract of the Rental of his Grace the Duke of Buccleugh's estate crop & year 1763, 16 March 1767.

¹⁵¹ According to rental of 1763, the purchase of the estates of Falnash, and Braidlee and Gorrenbury were finalised in May 1761, although correspondence shows that the transaction for the Falnash estate was still under consideration as late as March 1762. N.A.S. GD 224/324/7/10, Abstract of the Rental of his Grace the Duke of Buccleugh's estate crop & year 1763, 16 March 1767; N.A.S. GD 224/91/1 p. 6, [Kenneth Mackenzie] to John Craigie of Kilgraston, 8 January 1761; *Ibid.*, p. 23, [Kenneth Mackenzie] to John Craigie of Kilgraston, 16 March 1762. As well as the above mentioned five transactions, two small purchases (of 11 acres and 1 acre respectively) were made on the Dalkeith estate in 1764 and 1765. N.A.S. GD 224/324/7/10, Abstract of the Rental of his Grace the Duke of Buccleugh's estate crop & year 1763, 16 March 1767.

landowners¹⁵² – a fact that seems to be borne out by potential purchases being increasingly considered as over-priced by the duke's doers.¹⁵³

A second factor may have been Townshend's enthusiasm for the expansion and improvement of what would become the duke's estate of Adderbury in Oxfordshire. Adderbury House and its estate had originally been let by Buccleuch's maternal grandfather, the second Duke of Argyll, as a hunting lodge, eventually becoming his main residence from 1717, and had passed on to the dowager duchess on the duke's death in 1743.¹⁵⁴ From the beginning of Buccleuch's minority, his funds had been used to purchase additional lands in Adderbury, with a view to consolidate the estate there. Between 1750 and 1755 Lady Dalkeith purchased £774 worth of freehold and copyhold estates in the Manor of Adderbury,¹⁵⁵ and in April 1756 £1100 of the duke's money had been agreed for some meadows described as 'extremely necessary for the owner of that seat'.¹⁵⁶ The first mention of Townshend's involvement in the purchases came in a letter of 13 September 1757, when as the result of the reluctance of the Court of Session to authorise further purchases in Adderbury, Townshend suggested that he would purchase the required land there himself, and later pass on to the duke at the same price.¹⁵⁷ By an obligation executed by Lady Dalkeith and Townshend in December 1759, the above purchases and others amounting to another £255 were incorporated into the Manor of Adderbury, then still in the ownership of the dowager duchess. This was done with the condition that if the manor should 'separate from the family and estate of Buccleugh' then the purchaser would have to repay the cost of the above lands plus interest to the heirs of the Duke of Buccleuch.¹⁵⁸ Over the next eight

¹⁵² Timperley, 'The Pattern of Landholding in Eighteenth-century Scotland', p. 149.

¹⁵³ See for example, N.A.S. GD 224/91/1 pp. 3-5, Mr Scott to Charles Townshend, n.d. [December 1760], and Charles Townshend to Mr Scott, n.d. [December 1760], *ibid.*, pp. 11 – 12, [Kenneth Mackenzie] to John Craigie of Kilgraston, n.d. [June 1761], *ibid.*, p. 23, [Kenneth Mackenzie] to John Craigie of Kilgraston, 16 March 1762.

¹⁵⁴ Nicholas Allen, *Adderbury: A Thousand Years of History* (Chichester, 1995), p. 97.

¹⁵⁵ N.A.S. GD 224/86/1/1, Legal Papers between the Duke of Buccleuch and Lady Greenwich, 1768.

¹⁵⁶ *Ibid.*, pp. 115-6, [Kenneth Mackenzie] to John Craigie, 26 April 1756; *Ibid.*, p. 120, [Kenneth Mackenzie] to John Craigie, 17 July 1756.

¹⁵⁷ N.A.S. GD 224/623/1 p. 143, [Kenneth Mackenzie] to John Craigie, 13 September 1757.

¹⁵⁸ N.A.S. GD 224/86/1/1, Legal Papers between the Duke of Buccleuch and Lady Greenwich, 1768.

years, Townshend spent just under £20,000 of the duke's money on further additions and improvements to the Adderbury estate, mostly on extending and enclosing the pleasure grounds and the parks.¹⁵⁹ The improvements were designed, in Townshend's own words, 'to give the place extent, variety, & chearfulness' rather than any improved rental,¹⁶⁰ and by 1766 he could boast to the duke that it would be made 'beautiful & magnificent' for him,¹⁶¹ and 'the prettiest place in England'.¹⁶² As late as February 1767 it was noted that very nearly £7000 would soon be required for Adderbury purchases and that Townshend was 'greatly in advance'.¹⁶³

In June 1767 the Manor of Adderbury was given to the duke and duchess as a wedding present from Lady Dalkeith who had recently inherited it from her mother.¹⁶⁴ Unfortunately for the duke, most of these purchases were conveyed to Townshend and his heirs without any declaration of trust that they were to be held for the duke, and when Townshend died intestate on 5 September 1767 litigation ensued to get them back.¹⁶⁵ The

¹⁵⁹ Townshend purchased £17,603 worth of freehold and copyhold estates in Adderbury, which, together with improvements and other expenses came to £19,722.16.2. He also seems to have used £20,000 from pay office funds to initially pay for the purchases. N.A.S. GD 224/86/1/1, Legal Papers between the Duke of Buccleuch and Lady Greenwich, 1768; Sir Lewis Namier and John Brooke, *The History of Parliament* (London, 1964), iii, 546. For more details on Townshend's purchases see N.A.S. GD 224/91/1 p. 8, [Kenneth Mackenzie] to John Craigie, [1761]; *Ibid.*, pp. 15, [Kenneth Mackenzie] to John Craigie, 6 August 1761; *Ibid.*, pp. 16-17, [Kenneth Mackenzie] to John Craigie, 14 November 1761.

¹⁶⁰ Charles Townshend to Duke of Buccleuch, 30 December 1765, in I. S. Ross, 'Educating an Eighteenth-Century Duke', p. 193. The rental for the Manor of Adderbury stood at only £25/15/2 in 1764, but by 1774 the duke's estate there was valued at £54,000. Oxfordshire Record Office, M1/1/F1/14 Adderbury Chief rent roll 1764 [for the Duchess of Argyll]; Allen, *Adderbury: A Thousand Years of History*, p. 92.

¹⁶¹ Charles Townshend to Duke of Buccleuch, 13 May 1766, in I. S. Ross, 'Educating an Eighteenth-Century Duke', p. 194.

¹⁶² Charles Townshend to Duke of Buccleuch, 16 October 1766, in I. S. Ross, 'Educating an Eighteenth-Century Duke', p. 197. Townshend was the main instigator of the 1766 Enclosure Act for the parish, which led to the enclosure of over 4000 acres of common land, 682 of which went eventually to Buccleuch, and 340 to Townshend himself. Allen, *Adderbury: A Thousand Years of History*, p. 90; 'An Act for Dividing and Inclosing certain Open and Common Fields, and Commonable Lands, in the Parish of *Adderbury*, in the County of *Oxford*.' 5. Geo. III Cap. 90.

¹⁶³ N.A.S. GD 224/268/11, Accounts and vouchers for 12 March 1766 – 20 February 1767, Kenneth Mackenzie to John Craigie, 7 February 1767.

¹⁶⁴ N.A.S. GD 224/324/7/25, Countess of Dalkeith to Archibald Campbell, 5 June 1767.

¹⁶⁵ This was said to be due to 'the inaccuracy or unskilfulness of the attorney in the country who was also steward of the Manor of Adderbury'. N.A.S. GD 224/86/1/1, Legal Papers between the Duke of Buccleuch and Lady Greenwich, 1768.

duke does seem to have been kept well informed about the purchases during his minority: it was noted in November 1761 that:

The surrenders and titles of the new purchases are all properly taken care of so as to vouchers for Mr. Townshend, when the duke comes of age, indeed there has not been a cottage bought, for these two years, but his Grace knows as well as any of his servants who have the direction of the inclosures.¹⁶⁶

Indeed, Townshend's surviving correspondence with the duke while on his tour with Smith seems to indicate that Buccleuch was kept much more informed about Adderbury than his Scottish estates. While the improvement of the duke's Scottish estates is only twice briefly alluded to, Adderbury is mentioned in six of Townshend's eight surviving letters to the duke.¹⁶⁷

A further factor in the shift from a policy of estate expansion in Scotland may have been the duke's growing personal expense, reducing the amount available for new purchases. Up until February 1756 Lady Dalkeith had claimed no money for the duke's education and maintenance. On the 20th of that month, Mackenzie informed Craigie that 'as the expence of my Lord Duke's education will now every day increase Her [Ladyship] is desirous that a certain allowance may be settled for that purpose during his pupillarity'.¹⁶⁸ The increased expense was partly incurred by the duke now being sent to Eton on the instructions of Charles Townshend.¹⁶⁹ By May 1757, it had been decided that Lady Dalkeith could claim £600 per annum for the duke's expenses, backdated to her marriage to Townshend.¹⁷⁰ Four years later, in May 1761, the duke's allowance was raised to £1000 per annum.¹⁷¹ During his tour, from 1764 to 1766, the duke's allowance remained at £1000 per annum, but a further £5000 was remitted to Coutts bank 'for answering His Grace's dr[a]fts from abroad'.¹⁷² By

¹⁶⁶ N.A.S. GD 224/91/1 pp. 16-17, [Kenneth Mackenzie] to John Craigie, 14 November 1761.

¹⁶⁷ I. S. Ross, 'Educating an Eighteenth-Century Duke', pp. 180 - 197.

¹⁶⁸ N.A.S. GD 224/623/1 p. 113, [Kenneth Mackenzie] to John Craigie of Kilgraston, 20 February 1756.

¹⁶⁹ See below p. 61.

¹⁷⁰ N.A.S. GD 224/623/1 pp. 136 - 137, [Kenneth Mackenzie] to Archibald Campbell, 14 May 1757.

¹⁷¹ N.A.S. GD 224/91/1 pp. 17-18, [Kenneth Mackenzie] to John Craigie of Kilgraston, 28 November 1761.

¹⁷² *Ibid.*, [no page number] [Kenneth Mackenzie] to John Craigie of Kilgraston, 27 November 1764.

June 1766 more money was requested for answering the duke's drafts to Coutts, 'as the princely dignity, which he supports at Paris with great regularity, requires a constant expence while he remains there',¹⁷³ while after the duke's return in November 1766 a further £3000 was required to answer his drafts on Coutts from Paris.¹⁷⁴

A further initiative dating from Townshend's administration was the attempt to rationalise the organisation of the chamberlains upon the estate. Previous to this point, the five chamberlains of the South Country estates had in addition to their salaries each held a 'chamberlain farm' from the duke. There was also a disparity between the size of the various collections, varying from £4626/7/11 in the Eskdale and Canonbie estate to £2471/9/3 in the Liddesdale estate.¹⁷⁵ The first indication of plans to alter the organisation of the chamberlains' collections and residences came in a letter of 23 June 1761 where Mackenzie noted that Townshend and Lady Dalkeith 'much approve of the observations relating to the factors & their farms', but that before any changes were made regarding their holding of farms or salaries they 'desire that a computation may be made as soon as possible of the value of the farms and the amount of the salarys according to the plan proposed[,] allowing as little ground as can be supposed necessary for the maintenance of a few cows & horses'.¹⁷⁶ No more is recorded until a meeting on 7 March 1764 in Edinburgh of the duke's commissioners (John Craigie of Kilgraston, Alexander McMillan, Archibald Campbell, Francis Farquharson), called to discuss the salaries of the chamberlains and to rationalise their duties, and to 'give them places of residence proper for them in place of the farms they presently occupy'. It was also noted in the minutes that 'the Duke having signified his pleasure by Mr Townshend his Curator that this alteration be carried into Execution'.¹⁷⁷ A

¹⁷³ N.A.S. GD 224/268/11, Accounts and vouchers for 12 March 1766 – 20 February 1767, Kenneth Mackenzie to John Craigie, 10 June 1766.

¹⁷⁴ *Ibid.*, Kenneth Mackenzie to John Craigie, 19 December 1766.

¹⁷⁵ N.A.S. GD 224/83/6/1, Concerning the reorganisation of the Duke's chamberlains, March/April 1764.

¹⁷⁶ N.A.S. GD 224/91/1, [Kenneth Mackenzie] to John Craigie of Kilgraston, 23 June 1761.

¹⁷⁷ N.A.S. GD 224/83/6/1, Concerning the reorganisation of the Duke's chamberlains, March/April 1764.

more equal division of the rentals of the South Country estates between the five chamberlains was to be drawn up by Francis Farquharson and their salaries (presently varying from £32.3.2 to £83.6) were all to be set at £125. From the commencement of these new salaries, the duke's tenants would no longer be subject to 'baillie dargues' or any other services to the chamberlains. The chamberlains would also be required to surrender their farms to be let out by the duke, and for their accommodation they would be given either the houses they presently possessed or others that 'are most convenient & centrieall to their different charges'. They were also to be given small farms adjacent to their houses for 'their family accommodation', that, after they had been enclosed and 'made convenient' at the duke's expense, would not exceed the estimated value of £25 sterling per annum; these farms were to be charged to the duke, but were to come out of the chamberlains' salaries.¹⁷⁸ After Farquharson had drawn up a 'plan of the new distributions' the commissioners met again on 23 April, where some additional points were raised, including a proposal to have only a single landsetting for the entire South Country estate, to be held each April in Hawick. It was argued that 'This would be such a saving of expence and traveling charges, as with the rises expected on letting the chamberlain's farms at their real values would it's thought nearly compensate the additions to the salaries.'¹⁷⁹ After consultation with the chamberlains, a report was submitted to Townshend that summer and, on 18 August, Mackenzie replied

Mr Townshend & Lady Dalkeith having this day considered this proposition, & the comparative charges and benefit of the scheme, they are of the opinion that, as the present expence of factors will upon the new plan be at the rate of 10 1/2 & 6. upon the whole rents collected, and that the farms reverting are expected to exceed in no great degree the £375, added to the salarys it is not advisable for them to direct any alteration to be made, at this time, in the houses or salaries of the factors, whose number & establishment seems to require to be much lessened in the general plan.¹⁸⁰

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*

¹⁸⁰ N.A.S. GD 224/83/6/2, Estimate of the charge & expence of inclosing farms for the Duke of Buccleugh's factors and of inclosing and planting certain portions of land adjoining to these farms, [n.d.].

Despite these reservations, at least some of the reforms suggested in the reports of March/April 1764 do seem to have been implemented. A list of 'observations' on the abstract of rental 1750 – 1766, include a note stating that from Whitsunday 1765, by Townshend's orders, the chamberlains had given up their farms and the right to certain 'baillie work' from the tenants. Furthermore, their salaries had been increased to £125 each and their farms let to tenants at an advance rent of £348.8.4.¹⁸¹ The recommendations regarding the redistribution of the chamberlains' collection areas on a more equitable basis, however, do not seem to have been implemented; a list of the chamberlains and their collection areas dated 1766 is identical to the March 1764 list;¹⁸² and the collection districts recorded in the abstract of rentals remained the same until 1766.¹⁸³ A further report on the organisation of the chamberlains was submitted sometime following Townshend's letter of 18 August 1765 but before the duke's coming of age in September 1767. The plan outlined that four of the five current South Country chamberlains' positions could be amalgamated into three posts – i.e. the collections of William Laing and William Ogilvie, in 'Ettrick forest and Eckford' and 'Melrose and Ettrick Forest' merged into one, as would be John Laing's and Robert Scott's collections, in 'Liddesdale' and 'Teviotdalehead' respectively. The role of John Craigie, the 'Eskdale and Cannonbie' chamberlain, would remain unchanged. The report continues:

The advantages to accrue to the Duke from this scheme are evident, not only in the saving of the sallaries etc. of 2. chamberlains but in the profites that may be made in letting their houses & farms to tenants etc. These functions are natural & easy in respect of the situation of the estates – and if it should be thought a hardship to deprive 2. chamberlains at once, it may be done gradually upon death or accident, and it is suggested that in consequence of the great age of the chamberlain of

¹⁸¹ N.A.S. GD 224/248/23 pp. 14-15, 'Observations' from 'Abstract of Rental 1750 - 1766'. A memorandum of 1767, however, dated the changes in the chamberlains' salaries and the letting of their farms to 1763. N.A.S. GD 224/324/7/10, Abstract of the Rental of his Grace the Duke of Buccleugh's estate crop & year 1763, 16 March 1767.

¹⁸² N.A.S. GD 224/248/23 p. 30.

¹⁸³ N.A.S. GD 224/248/23, Abstract of Rental 1750 – 1766. An entry in the duke's accounts for 1767 – 1768 includes a payment of £25 2/ to Thomas Scott, land surveyor, 'for attending the gentlemen to consider and set of the chamberlains farms, in pursuance of the new regulation anno 1766 and for measuring & planning the grounds allotted for the accommodation of the different chamberlains'. N.A.S. GD 224/268/13, John Craigie's accounts and vouchers, 19 September 1767 – 13 September 1768.

Liddesdale an opportunity must soon occur of joining this department to that of Mr Scott the chamberlain of Hawick, who resides in the center of the estate, & at which the landsetting court ought only to be kept.¹⁸⁴

Added to the report in a different hand were the notes 'This whole might be properly managed by 2 chamberlains', and 'no services of fetching coals or working Spring or harvest days to the chamberlains'. The further reorganisation of the chamberlains' role would await the duke's coming of age, possibly because it was thought inadvisable for any other reforms to be carried out so close to the duke's majority.¹⁸⁵

In 1766 Townshend reported to the duke that a survey he had commissioned by an English land steward had indicated that the estates were 'ill tenanted & under let', but that by the outlay of a 'moderate annual sum' the rents might be doubled.¹⁸⁶ By 1766 the gross rental of the estate had risen to £19,074: a rise of £1660 since 1759. If the rental from new purchases during this period are taken into consideration then the rise is of £819, or 4.7% over 7 years, giving an annual increase of 0.67% during Townshend's curatorship compared with 0.47% during the early administration.¹⁸⁷

¹⁸⁴ N.A.S. GD 224/83/6/10, 'Plan for the distributing the collecting of rents of the following estates belonging to the Duke of Buccleugh', [n.d.].

¹⁸⁵ Craigie noted in a letter to Archibald Campbell in October 1766 that he was unsure whether to issue new 'factories' to the chamberlains himself or 'as the Duke is so near of age whether it were not better to continue things on the present factory for another year.' N.A.S. GD 224/377/7/13, John Craigie of Kilgranston to Archibald Campbell, 22 October 1766.

¹⁸⁶ I. S. Ross, 'Educating an Eighteenth-century Duke', p. 197.

¹⁸⁷ N.A.S. GD 224/324/7/10, Abstract of rental . . . 1763; N.A.S. GD 224/284/23, Abstract of Rentals on Buccleugh estates, 1751 – 1766.

IV. The situation of the estates c.1767

In order to assess the extent to which the improving initiatives implemented during the minority led to any substantial improvement of the Buccleuch estates, their impact in the areas of estate infrastructure, tenancy structure, and agricultural practice will now be examined.

One indication of the commitment to improvement during the minority is the level of expenditure spent on improvements. Expenditure for 'Repairs of Mansionhouses, Mills, Milldamns and Tenants Houses', all important parts of the estate's infrastructure, and which also included spending on such improvements as enclosure, from 1751 to 1766 averaged at £1147 per annum. However fluctuating levels of expenditure during the first part of the minority are contrasted by a sharp rise in 1760 coinciding with the start of Townshend's administration, followed by a steady, yearly increase after 1761, coinciding with Craigie's orders to spend £1000 a year on improvements during the duke's absence. Broken down between the administrations, the average yearly expenditure for the first two phases (from 1751 to 1760) is £ 781, while Townshend's administration saw a marked increase to an average of £1757 per annum. The breakdown of expenditure by estate however reveals that the Dalkeith estate accounted for a disproportionate amount of this increase - accounting for over 55% of the total expenditure during the minority compared with its rental value of less than 10 % of the total estates - suggesting that the majority of this investment went into the improvement of Dalkeith House and its policies rather than the other estates.¹⁸⁸ This analysis seems to be backed up by a number of reports on the general state of tenants' houses, and the duke's woods and mills, drafted in the years following the duke's attainment of his majority. A 1769 memorial concerning the repair of tenants' houses and the management of the duke's woods argued that reforms to the rules regulating the repair of tenants' houses introduced during the minority 'will not admit of being often repeated,' and that 'experience had

¹⁸⁸ N.A.S. GD 224/284/23, Abstract of Repairs of Mansionhouses, Mills, Milldamns & Tenants houses, 1751-1766.

evinced, that this method had been [as] lyable to trick and imposition' as the earlier system.

¹⁸⁹ The report continued that a new system was 'indispensibly necessary' owing to 'The ruinous state in which the generality of the tenants houses are at present'.¹⁹⁰ The general state of the duke's mills was similarly described in another memorial dating from this period. Of the twenty-two mills owned by the duke on his South Country estates, seventeen were classed as in need of 'thorow repair' estimated at £60 per mill, in consequence of most of them having 'become almost ruinous'.¹⁹¹

The general state of the duke's woods was described in similarly unfavourable terms. A memorial of 1769 stated that sustained and heavy harvesting of the wood by the tenants for repairs with little management of the remaining trees had left many parts of the woods 'exhausted [with] nothing left but gleanings at best, for no one but the fire, and such in time must be the fare of all the woods if not timeously prevented'. Indeed, it was noted that 'there is now no timber fit for building on the Teviotdalehead estate, and none at all upon the estate of Eckford'.¹⁹² It was noted, however, that the woods that had been put under the management of John Church in Canonbie and Eskdale, and managed in what was described as 'a different manner' the situation was better, with the enclosure of plantations leading to young trees being 'thereby preserved and in a thriving way'.¹⁹³ The report concluded that only such careful management could preserve the woods from 'the gradual waste in which they have been languishing for ages past, that has extinguished them in part and if not prevented will in time totally anihilate them'.¹⁹⁴

¹⁸⁹ N.A.S. GD 224/459 p. 57, Memorial concerning the repairs of tenants houses and management of woods over the Duke of Buccleugh's estates with hints to a plan for future regulation of both, June 1769.

¹⁹⁰ *Ibid.*, p. 58.

¹⁹¹ *Ibid.*, p. 115, Memorial concerning the corn milns on his Grace the Duke of Buccleugh's estates in the countys of Dumfries, Roxburg, Selkirk, & Peebles, n.d. [c. 1770-1771].

¹⁹² N.A.S. GD 224/459, Memorial concerning the repairs of tenants houses and management of woods over the Duke of Buccleugh's estates with hints to a plan for future regulation of both, June 1769. p. 60.

¹⁹³ N.A.S. GD 224/459 p. 58, Memorial concerning the repairs of tenants houses and management of woods over the Duke of Buccleugh's estates with hints to a plan for future regulation of both, June 1769.

¹⁹⁴ *Ibid.*, p. 61.

A further indicator of the extent of improvement upon the Buccleuch estates by 1767 is the tenancy structure of the estate. The change in tenant structure from multiple to single tenancy has been recognised as an important factor in creating a conducive environment for the introduction of improved agricultural practices and characteristic of the shift from subsistence to commercial, market-orientated production.¹⁹⁵ As such, tenancy structure serves as a useful indicator to the improvement of estates. T. M. Devine notes, 'The erosion of multiple tenancy implied the steady destruction of communal constraints and controls and allowed greater opportunity for individual initiative and capital accumulation.'¹⁹⁶ Although there are no references to reducing multiple tenancies as a matter of policy in estate orders, it was noted in June 1760 that Townshend and Lady Dalkeith were 'desireous' that John Craigie 'continue to discourage and destroy the practice of subsetting'.¹⁹⁷ Although subsetting differs from multiple tenancy, it does indicate an ongoing policy aimed at discouraging small possessors and the subdivision of land.¹⁹⁸ A feature of the longer tacks introduced in 1758 to the estates of Canonbie and Dalkeith was their exclusion of 'assignees and subtenants' unless by the duke's consent;¹⁹⁹ while this was not unique, it was a rare feature in contemporary leases.²⁰⁰ Although there is no indication of levels of subsetting, analysis of rentals shows that by 1766 two-thirds of the upland farms in the South Country estates were held in single tenancy.²⁰¹ This contrasts with levels in the later seventeenth and early eighteenth centuries where research by R. A. Dodgshon has indicated that multiple tenancies accounted for the majority of Buccleuch farms on these estates, but that single

¹⁹⁵ See Devine, *The Transformation of Rural Scotland*, pp. 27-29.

¹⁹⁶ *Ibid.*, p. 29.

¹⁹⁷ N.A.S. GD 224/623/1 p. 163, Kenneth Mackenzie to John Craigie of Kilgraston, 14 June 1760.

¹⁹⁸ Subsetters held their land (usually by a written or verbal tack) directly from the principal tenant giving them tenure rights under Scots law. Devine, *The Transformation of Rural Scotland*, p. 136.

¹⁹⁹ N.A.S. GD 224/114/6/2-6, Dalkeith Estate Tacks, 1758, 1762;

²⁰⁰ Devine notes that in an examination of several hundred leases from a number of estates, only a small number mentioned subsetting, and of these, 'absolute prohibitions were rare'. Devine, *The Transformation of Rural Scotland*, pp. 136-137.

²⁰¹ N.A.S. GD 224/285/5, Rental of his Grace Henry Duke of Buccleugh 1767.

tenancies may have been increasing since the late seventeenth century.²⁰² In the predominately arable low-lying estates of the South Country estate, levels of multiple tenancies were much higher: of the 64 farms of the Canonbie estate only sixteen were held as single tenancies, and on the estates of Eckford and Lempitlaw, ten of the thirteen farms were multiple tenancies.²⁰³ A further indicator of the level of commercialisation within the farming economy was the transference from payment in kind to cash. Dodgshon's research has indicated that payment in cash had been the dominant form of payment on the upland parts of the Buccleuch estate since the first half of the seventeenth century,²⁰⁴ and by 1766 the rental for the South Country estates was paid entirely in cash, although a small level of payment in kind remained upon the Dalkeith estate.²⁰⁵ During the duke's minority a number of commonties partly owned by the duke were also divided. These were initiated by other proprietors, the duke being seemingly unable to initiate them during his minority.²⁰⁶

Although there is limited evidence of the level of improved practices in use upon the various parts of the Buccleuch estates by 1767, a number of reports do suggest that on the whole the methods used for arable cultivation remained those of pre-improvement farming, with only a small level of enclosed land and the continuing prevalence of the infield-outfield system. A report on the upland estates of Ettrick Forest, Teviotdalehead, Liddesdale and Eskdale noted that the arable land on these predominantly pastoral holdings was farmed in the infield-outfield system, 'the effect of which is, taking up a great deal of land, with much

²⁰² Dodgshon's research suggests that these trends were reflected elsewhere in the sheep farming southern uplands, noting that by 1750 there were no multiple tenancies on the upland farms of the Roxburgh estate. Robert A. Dodgshon, 'Agricultural Change and its Social Consequences in the Southern Uplands of Scotland, 1600-1780', in T. M. Devine and D. Dickson (eds.), *Ireland and Scotland, 1600-1850* (Edinburgh, 1983), pp. 51, 53.

²⁰³ N.A.S. GD 224/285/5, Rental of his Grace Henry Duke of Buccleugh . . . 1767.

²⁰⁴ Dodgshon, 'Agricultural Change and its Social Consequences', pp. 49-50.

²⁰⁵ N.A.S. GD 224/285/5, Rental of his Grace Henry Duke of Buccleugh . . . 1767. Observations on the rental of 1766 included the price of 800 boll of grain paid as rent. N.A.S. GD 224/584/11/3, Abstract of the Rental of the Duke of Buccleuch's Estate Crop 1766.

²⁰⁶ Goldenmuir (1756), Arkinholm (1757-1759), Cowslandmyre (1758-1760), Melrose (1760), Hassendean (1762-1763), a commonty near Langholm (1762-1763), Wilton (1764-1765). N.A.S. GD 224/324-5. In January 1761 Townshend was applied to for the division of Westerkirk Common, Mackenzie noted 'I doubt if such a transaction can be carried into execution during the duke's minority.' N.A.S. GD 224/91/1 p.6, [Kenneth Mackenzie] to John Craigie of Kilgraston, 24 January 1761: N.A.S. GD 224/325, Division of Commonties, 1755-1765.

labour & little increase'.²⁰⁷ A similar system was prevalent in the mainly arable farms of the low-lying areas of the South Country estates. An observation on the estate of Eckford in Roxburghshire noted that 'the present distribution of the farms are mostly very inconvenient for the purpose of inclosing, and even of possession in their present state, being in several places interjected one with another,'²⁰⁸ while another report described the distribution of the farms as 'very irregular' and needing to be 'properly bounded'.²⁰⁹

A petition of early 1766 from a tenant on the Canonbie estate, the other predominantly low-lying estate in the South Country estates, provides one of the few descriptions of improvement carried out during the minority. George Bell had taken possession of the farm of Woodhouselees from his father, in 1758, at which point he had been granted a ten-year tack, one of those issued after John Craigie's successful petition to the Court of Session. In a petition to the duke's commissioners, Bell describes the condition of the farm when he first entered into possession as 'a desert wild', mostly consisting of muir land 'in its natural state not worth six pence per acre'. The farm, which his father, a cattle drover, had made no attempt to improve, was without enclosure of any kind, and with 'scarce a house habitable upon it nor one acre of ground under any sort of culture or management'. He continues,

Perhaps I might have drudged on at the ordinary rate of the country, made ends meet at the end of the year, and my farm at the end of the lease have been the same barren uncultivated field that I found it. But as I had betaken myself solely to the business of farming, notwithstanding the shortness of my lease, I fell to work with all my might in cultivating and improveing my farm at great labour and expence, by building houses, draining, inclosing with hedges and quick setts, breaking out and lymeing quantities of muir ground stubbing out brush and bramble, sowing turnips, and laying down fields with grass seeds, in short I have had no regard to present advantages, but have improved and cultivated my farm in a way different from all others of his Grace's tennants, or ever before practised by any in that part of the country.

²⁰⁷ N.A.S. GD 224/389/2/1, Hints for improving the Duke of Buccleugh's Estate, [William Ogilvie of Hartwoodmyres] April 1767.

²⁰⁸ N.A.S. GD 224/459 p. 28, Abstracts of the proposals and offers for farms of the Duke of Buccleugh's estates at the 4th January 1768, 'Observations'.

²⁰⁹ *Ibid.* See also chapter 4.

I have now got a part of my farm into very good order; tho' to make the whole compleat a great dale yet remains to be done, and I wish and want to proceed in my improvements as quickly as possible, especially now when the part improved will enable me to carry on the improvements of the rest for I am just beginning to reap the fruits of my industry, as hitherto from the expences attending these improvements, I have every year been considerable sums out of pocket.²¹⁰

Bell's account provides an example of an improving tenant who had invested in the improvement of his holdings despite the shortness of his tack. Of as much significance, however, is the fact that Bell's actions were regarded as unique upon that part of the duke's estate. One of the independent witnesses who gave statements corroborating Bell's account noted that Bell's actions had differed greatly from the 'slovenly methods generally practised in the country'. He continued,

it is well known to the whole country, that he hath done more than what either his farm or circumstances can afford, and the declarant is pretty well acquainted with the whole of His Graces Estate in this country, and in the declarant's opinion the said George Bell has acted more like a farmer and done more substantial improvements upon his farm and with more taste, than the whole tennants upon His Graces Estate in this part. And were the other tennants to copy in the least after his example, It would soon make a happy country and in twenty years time make His Graces Estate in the low country capable of being doubled in the rent²¹¹

Bell himself had noted in his petition that his endeavours had 'excited the jealousy and resentments' of some of his neighbours, that he had been 'rediculed by them for making such improvements' on such a short tack, and that he now had reason to believe that some of them planned to dispossess him at the end of his lease 'and so reap the fruits of my labour'. The statement of another of the witnesses, a labourer on Bell's farm, noted that he had 'frequently spoke to Mr Bell, that he was doing a great dale too much, for that a hundred pounds a year wou'd not defray the expence and that he was possibly improving his farm for another'.²¹² As Bell concluded his petition,

²¹⁰ N.A.S. GD 224/85/4/5, Nottional Copy Petition to the Duke of Buccleugh's Commissioners with the remitt & proceedings thereon, 1766.

²¹¹ *Ibid.*

²¹² *Ibid.*

Mr Craigie will perceive that this is poor encouragement for any man to be industrious, or to improve the estate of another. The petitioner proceeded upon the faith of the noble family and there managers, that they would take care of him or any of their farmers that were industrious and a sort of pattern to their neighbours, and he will not yet doubt it.²¹³

In the event Bell's petition proved successful and his continuing role as an improver was later noted in the Statistical Account for the parish.²¹⁴ But his case serves to highlight both the rarity of such an improving tenant upon that part of the duke's estate, and the perceived risk that such a tenant took when investing in a farm with a relatively short lease.

The minority administration of the Duke of Buccleuch's Scottish estates saw the introduction of several significant changes to administrative structure and land management practices, a number of which would have important consequences in the improvement of the estate. As has been outlined above, the land management strategy during the first part of the minority concentrated mainly on the continuance of 'the former plan of management', with the expansion of the estate remaining more important than its improvement. The tutors were committed, at least rhetorically, to the improvement of the estate and some initiatives were introduced to encourage enclosure, reform the management of forestry and repairs to the tenants' buildings, and to enable the granting of longer leases. Under Townshend's administration there seems to have been a definite shift towards policies aimed specifically at the improvement of the estates, and several initiatives were introduced. As has been outlined above, the effects of these initiatives appear to have been limited.

A notable feature of the overall management policy during this period was the extent to which the constraints and demands of managing the affairs of a minor led directly to administrative reforms. The attempt to create 'a more exact and perfect administration than

²¹³ *Ibid.*

²¹⁴ In the account he is credited for the introduction of 'improvement of the land by turnip and clover' to the parish. His family continued to hold the farm into the 1830s. OSA Parish of Canonbie, vol. 14, p. 419; NSA Parish of Canonbie, vol. 4, p. 491.

formerly',²¹⁵ beginning in 1754, was a direct consequence of adapting the administration to the demands of a long minority. The reform of several aspects of administrative practice were carried out with the aim of enabling the duke to understand his affairs when he came of age, as well as legally to safeguard his tutors and curator in their responsibilities.²¹⁶ Although not all of the changes made continued into the duke's majority, the effects of the increased specialisation within the duke's establishment would form the institutional basis for the later administration of the estate, and, in at least one case, have wider implications for the development of professional estate administration throughout Scotland. The separate post of estate accountant, as distinct from a chamberlain with accountancy duties, that had been created in 1754 continued to be held by Francis Farquharson until his death in 1767, when he was replaced by his nephew, Alexander Farquharson.²¹⁷ Alexander Farquharson would go on to play a major role in the development of specialised estate accountancy throughout Scotland, one study noting 'his pupils ultimately became responsible for audit on almost all the great estates'.²¹⁸ Although the introduction of English farmers to spread new techniques was a relatively short-lived initiative, the development of the position of 'supervisor of improvements', which grew out of this attempt, was another important development in the specialisation of estate officials and the post would play an absolutely crucial role in the programme of improvements later implemented upon the estate. Similarly, the reform of the position of chamberlain, with the discharge of their rights to feudal servitudes and the surrender of their farms, marked the beginning of their development from part-time officials to full-time professional estate administrators.

²¹⁵ N.A.S. GD 224/388/16/12 [3], John Craigie's account of position of accountant.

²¹⁶ *Ibid.*

²¹⁷ N.A.S. GD 224/388/16/12 [1]

²¹⁸ Adams, 'The Agents of Agricultural Change', in Parry and Slater (eds.), *The Making of the Scottish Countryside*, p. 166.

Chapter 2: Educating the duke

Little is known of the duke's early life and education prior to the marriage of Charles Townshend to his mother in September 1755. Born in London on 13 September 1746, the duke had been sent at a 'very young' age to a private school, where, as he would later describe, he had considered himself 'almost neglected by my mother, [and] neglected in every respect as to my learning by the masters of the school' and 'the last boy in the school as a scholar'.

With such an education Mr. Townshend found me when he married my mother. He insisted upon my being sent to Eton School & I must confess however little I was afterwards obliged to him, he then did me a service that amply made up for every future inattention to my affairs. You may be sure I came to Eton with many disadvantages with some that I have never got the better of but I am very sure I derived many very solid advantages and those most material for a person of my rank and situation in life.¹

This chapter intends to examine the duke's early education and the background behind the appointment of Adam Smith as his tutor. It will also attempt to reconstruct the kind of education the duke received from Smith during their tour.

I. Charles Townshend and Adam Smith

Evidence suggests that from the outset Townshend took an active interest in the education of all three of his stepchildren. Buccleuch's younger brother, the Hon. Hew Campbell Scott, was also sent to Eton,² and later joined the duke on his Grand Tour.³

¹ N.A.S. GD 224/295/2/35 [old catalogue], Duke of Buccleuch to Lord Advocate [Henry Dundas], 29 October 1779.

² N.A.S. GD 224/296/1/1 [old catalogue], Charles Townshend to Duke of Buccleuch, 10 September 1760. Although Townshend himself did not study at Eton, his elder brother George did. The headmaster there from 1754 was connected with the Townshend family and Townshend seems to have been responsible for his appointment as Provost there in 1764. Namier and Brooke, *Charles Townshend*, p. 3; Charles Townshend to Duke of Buccleuch, 23 July 1765, in I. S. Ross, 'Educating an Eighteenth-Century Duke', pp. 191 and 191n.

³ Scott joined the duke in France in October 1764. Townshend also tried to obtain a commission in the army for Scott and noted he was 'preparing the way' for a seat in the House of Commons for him. N.A.S. GD 224/296/1/1 [old catalogue], Charles Townshend to Duke of Buccleuch, 10 September 1760; Corr. no. 83, Adam Smith to David Hume, 21 October 1764; Charles Townshend to Duke of

Townshend seems to have been particularly close to duke's younger sister, Lady Francis Scott, whom he personally instructed and, by one account, protected from 'maternal discipline carried too far'.⁴ Buccleuch seems to have progressed well at Eton, where in addition to attending classes he was taught by a private tutor, Dr Hallam.⁵ In a letter of February 1761 Townshend remarked with approval on the duke's 'application, improvement, and conduct', adding that his 'daily progress in every excellence of mind is the pride of your friends & family'. Townshend continued, indicating the way in which he hoped the duke's education would prepare him for a future role in public life:

When I tell you how sincerely you will in the future course of your life rejoice in the use of every talent & degree of knowledge you now acquire, I mean not to encourage, but to congratulate you, and to speak of your future figure in public life with a pleasing confidence which you have already given me.⁶

By October 1763 and the final term of his studies there, Townshend could report that the duke had recently made 'great progress both in his knowledge of ancient languages and in his general taste for composition'.

With these improvements his amusement from reading and his love of instruction have naturally increased. He has sufficient talents: a very manly temper, and an integrity of heart and reverence for truth, which in a person of his rank and fortune are the firmest foundation of weight in life and uniform greatness.⁷

Buccleuch himself would later summarise his time at Eton by stating that 'no person ever derived so much advantage from a public education as I did'.⁸

The final part of Townshend's plan of education for the duke was to be a Grand Tour of Europe set to last until he attained his majority at the age of twenty-one. The first

Buccleuch, 22 April 1765, 13 May 1766, 10 June 1766, in Ross, 'Educating an Eighteenth-Century Duke', pp. 182, 193-4, 195.

⁴ Alexander Carlyle described Lady Francis as 'a very clever child, whose humour and playfulness Mr Townshend's good-nature had to encourage and protect against maternal discipline carried too far. He continued to protect and instruct her, and frequently employed her as his amanuensis, as she frequently told me since; and added, that if he had not died when she was only sixteen, he would have made her a politician.' Alexander Carlyle, quoted in Ross, 'Educating an Eighteenth-Century Duke', p. 179. Lady Francis Scott later received from Smith a draft of his paper 'Of the Affinity between certain English and Italian Verses'; Corr. no. 225, Adam Smith to Lady Francis Scott, 17 March 1783.

⁵ William Fraser, *The Scotts of Buccleuch* (Edinburgh, 1878), p. 491n.

⁶ N.A.S. GD 224/296/1 [old catalogue], Charles Townshend to Duke of Buccleuch, 24 February 1761.

⁷ Corr. no. 79, Charles Townshend to Adam Smith, 25 October 1763.

⁸ N.A.S. GD 224/295/2/35 [old catalogue], Duke of Buccleuch to Lord Advocate [Henry Dundas], 29 October 1779.

indication of Townshend's interest in Adam Smith as a possible tutor and travelling companion for the duke came in April 1759, shortly after the publication of Smith's work of moral philosophy, the *Theory of Moral Sentiments*. Townshend was among a number of influential statesmen who had been sent a presentation copy of that work⁹ and, on 12 April, David Hume concluded a letter on the critical success of the *Theory* by informing Smith of Townshend's response:

Charles Townshend, who passes for the cleverest fellow in England, is so taken with the performance, that he said . . . he wou'd put the Duke of Buccleugh under the author's care, & woud endeavour to make it worth his while to accept of that charge. As soon as I heard this, I calld on him twice with a view of talking with him about the matter, & of convincing him of the propriety of sending that young nobleman to Glasgow: for I could not hope, that he could offer you any terms, which would tempt you to renounce your Professorship: but I missd him. Mr Townshend passes for being a little uncertain in his resolutions; so perhaps you need not build much on this sally.¹⁰

Although it is unknown whether Hume eventually succeeded in contacting Townshend on Smith's behalf, Townshend did indeed pursue the matter further, meeting with Smith that summer in Glasgow during his visit to Scotland.¹¹ At this point Townshend commissioned Smith to purchase a number of books for the then twelve-year-old duke,¹² and it seems that Smith agreed in principle to act as tutor to the duke once his studies at Eton had been completed.¹³ Four years later in October 1763 Townshend renewed contact with Smith on the subject. After noting the progress that the duke had recently made in his studies, Townshend continued:

⁹ David Hume and Alexander Wedderburn set presentation copies on Smith's behalf to a number of politicians including the third Duke of Argyll, Lord Bute and Edmund Burke. Corr. no. 31, David Hume to Adam Smith, 12 April 1759; Corr. no. 33, Andrew Millar to Adam Smith, 26 April 1759.

¹⁰ Corr. no. 31, David Hume to Adam Smith, 12 April 1759.

¹¹ Corr. no. 39., Adam Smith to Charles Townshend, 17 Sept., 1759. For Townshend's visit to Scotland see above p. 38.

¹² On Smith's purchase of books for Buccleuch, see Corr. Nos. 39, 41, 44. In 1764 while the duke was in Europe, Townshend purchased what he described as 'a very convenient . . . library, of all languages & in all the sciences' for the duke's use at Adderbury. Charles Townshend to Duke of Buccleuch, 10 April 1764, in Ross, 'Educating an Eighteenth-Century Duke', p. 182.

¹³ In his letter renewing contact with Smith on the matter in October 1763, Townshend indicates that Smith had earlier expressed a 'disposition to travel' with the duke. In a subsequent letter to Hume, Smith describes Townshend's letter as renewing 'his former proposal that I should travel with the Duke'. Corr. no. 76, Charles Townshend to Adam Smith, 25 October 1763; *Ibid.*, no. 78, Adam Smith to David Hume, 12 December 1763.

If it should be agreeable to you to finish his education, and mould these excellent materials into a settled character, I make no doubts but he will return to his family and country the very man our fondest hopes have fancied.¹⁴

Smith accepted, giving notice to the University on 8 November that he was to resign his Chair, although he informed Townshend that due to teaching commitments it might prove difficult for him to leave his position before the following April.¹⁵ In the event, Smith organised a replacement to take the remainder of his classes, and in January 1764 travelled to London to meet the duke and take up his new post.¹⁶ After spending Christmas at Eton, the duke had travelled to London in order to be presented to Court, and so, according to Townshend, that he would 'not pass instantaneously from school to a foreign country'.¹⁷ The final administrative preparations for the duke's tour, including the drawing up of his will and the ordering of a new commission for John Craigie, had been ordered on 31 December 1763.¹⁸ The duke and Smith left London on the 2 February,¹⁹ arriving in Paris on the 13 February, and the following day Smith wrote to the Lord Rector of Glasgow University, formally resigning his chair of Moral Philosophy.²⁰

A number of motives have been ascribed to Smith's decision to accept Townshend's offer and end his time at Glasgow University, a thirteen-year period that he would later describe as 'by far the most useful, and, therefore, as by far the happiest and most honourable . . . of my life'.²¹ As mentioned above, Hume assumed that if Smith was to tutor

¹⁴ Corr. no. 76, Charles Townshend to Adam Smith, 25 October 1763.

¹⁵ Ross, *Life of Adam Smith*, p. 196; Corr. no. 78, Adam Smith to David Hume, 12 December 1763.

¹⁶ Exact date not known, but most probably shortly after his last attendance at a Dean of Faculty's meeting on 9 January, when he stated 'he was soon to leave this place'. LJ, 'introduction', p. 2n.

¹⁷ Corr. no. 76, Charles Townshend to Adam Smith, 25 October 1763. The duke was presented to Court sometime prior to 11 January: Townshend was reported as having been 'much offended' by the King not speaking to him during the presentation. Namier and Brooke, *Charles Townshend*, p. 112.

¹⁸ N.A.S. GD 224/295/2/14, Kenneth Mackenzie to Archibald Campbell, 31 December 1763; N.A.S. GD 224/388/16/9, Draft of a commission for John Craigie by the Duke of Buccleugh before he leaves for Europe, 1764. Registered in the books of Session on 8 October 1764; N.A.S. GD 224/248/23, State of the management and administration of his Grace the Duke of Buccleugh's estate April 1750 to the 13th September 1767.

¹⁹ N.A.S. GD 224/930/9, John Craigie's Vouchers of Accompt 1764.

²⁰ Ross, *Life of Adam Smith*, p. 196.

²¹ Corr. no. 274, Adam Smith to Dr. Archibald Davidson, 16 November 1787.

the duke, he would have to do so in Glasgow, as he could not see Townshend offering terms that would make Smith give up his Chair. At the time he received Hume's letter on the subject, Smith was already privately tutoring another Eton educated young nobleman, the Hon. Thomas Petty Fitzmaurice, second son of the 1st Earl of Shelburne, and hopes had been expressed that this example might draw other 'young men of rank' to the University.²² One important factor in Smith's decision to leave his Chair was the financial security and personal independence offered by the appointment. Townshend had promised to make 'the connection with Buccleugh as satisfactory and advantageous to you as I am persuaded it will be essentially beneficial to him',²³ and for the duration of the tour Smith was to be given a salary of £500, followed by an annuity for life of £300, which compared favourably to his income as Professor that has been estimated as varying between £150 and £300 a year.²⁴ Besides this financial incentive, there were other reasons that may have influenced Smith in his decision. Smith had a number of family connections to the Argyll interest; his father served as private secretary to Hugh Campbell, third Earl of Loudoun, while his cousin and guardian William Smith, had been steward to the second Duke of Argyll, the Duke of Buccleuch's grandfather; and Smith seems to have drawn on these connections during his application for the Chair of Logic at Glasgow.²⁵ Furthermore, a close connection with the

²² Gilbert Elliot, who arranged for Smith to become Petty Fitzmaurice's tutor, noted in his letter to Smith on the subject: 'I think myself that a young man of this rank coming to your University may of be of advantage to it, especially as I find that every thinking man here begins to discover the very absurd constitution of the English Universitys, without knowing what to do better . . . I have very little doubt, but you might even draw a good many of the youth of this part of the world to pass a winter or two in Glasgow'. Corr. no. 27, Gilbert Elliot to Adam Smith, 14 November 1758. On the recommendation of Fitzmaurice's father, Lord Shelburne, the sons of Sir John Colthurst were also sent to Glasgow, Smith promising that 'your Lordship may depend upon every attention which it can be in my power to give to whoever had the honour of being so nearly connected with your Lordships family'. Corr. no. 35. Adam Smith to Lord Shelburne, 23 July 1759.

²³ Corr. no. 79, Charles Townshend to Adam Smith, 25 October 1763.

²⁴ Ross, *The Life of Adam Smith*, pp. 156, 116.

²⁵ *Ibid.*, pp. 3-4, 12, 199. Smith had stayed with his cousin at the second duke's residence of Adderbury during his time at Oxford, and later visited the third duke at Inveraray in 1759. Corr. no. 42, Adam Smith to Lord Shelburne, 29 October 1759; *ibid.*, no. 3, Adam Smith to Margaret Douglas Smith, 23 October 1741. A draft letter from Cullen suggests that Smith had written to his cousin and the Duke of Argyll on the matter. Corr. no. 304, [William Cullen] to Adam Smith, [late January – April 1751], [draft]; Ross, *Life of Adam Smith*, p. 110. For the role of the third Duke of Argyll in the

Buccleuch family would also be perceived as having many potential future benefits, not least in terms of patronage. Beyond this, the tour would also give Smith the opportunity to travel abroad and, in particular, to meet with the many 'men of letters' in France whom he greatly admired and where his own reputation was beginning to grow.²⁶ In his letter to Hume informing him of Townshend's renewed offer, Smith made a point of asking Hume, then resident in Paris, to 'make my compliments to all the men of Genius in France who do me the honour to know anything about me'.²⁷

II. The Grand Tour

Before reconstructing what is known of the education the duke received under Smith, this section will first examine the framework within which this education was to take place, and the specific reasons behind Townshend's choice of Smith as a tutor. By the time of Smith's and the duke's travels, the Grand Tour was entering into what has been described as its final 'golden age', a period lasting roughly from the end of the Seven Years' War in early 1763 until Napoleon's invasion of Italy in Spring 1796.²⁸ Originating as a means by which a small number of young aristocrats completed their political and cultural education by travelling in continental Europe for a number of years, under the guidance of a *cicerone* or tutor, the Grand Tour had undergone a number of changes during the course of the eighteenth-century.²⁹ Guided by a growing number of published accounts, and travelling to increasingly established itineraries, a greater number of tourists drawn from a wider range of

patronage of Glasgow University see, Roger L. Emerson, 'Politics and the Glasgow Professors, 1690-1800', in Andrew Hook and Richard B. Sher (eds.), *The Glasgow Enlightenment* (East Linton, 1995).

²⁶ For Smith's views of the French intellectuals see his 1756 letter to *Edinburgh Review*, in EPS, pp. 242-254. For Smith's reputation in France see, Deidre Dawson, 'Is Sympathy so Surprising? Adam Smith and French Fictions of Sympathy', in J. Dwyer and R. B. Sher (eds.) *Sociability and Society in Eighteenth-Century Scotland* (Edinburgh, 1993).

²⁷ Corr. Appendix E, a. Adam Smith to David Hume, 12 December 1763.

²⁸ Ilaria Bignamini, 'The Grand Tour: Open Issues', in Andrew Wilton and Ilaria Bignamini (eds.), *The Grand Tour: The Lure of Italy in the Eighteenth Century*, (London, 1996), p. 33.

²⁹ John Brewer, *The Pleasures of the Imagination: English Culture in the Eighteenth Century* (London, 1997), pp. 206-8.

backgrounds were now participating in the tour.³⁰ These changes were accompanied by a shift of emphasis in the purpose of the tour, with education having been relegated from the primary goal for travelling to being of almost secondary importance to the travelling itself.³¹ Furthermore, the focus of the education commonly encountered upon the tour also changed, with an increasing emphasis on antiquities and the past at the expense of contemporary European culture. And within the context of what has been described as this 'narrow obsession with the past',³² the active cultivation of 'connoisseurship' became an increasingly conscious goal of the tourist.³³

Despite these changing trends in the general nature of the tour, evidence suggests that the duke's tour conformed much more closely to the conventions and ideals of the earlier aristocratic tour, with the education of the duke being the primary concern of the tour. Certainly for Townshend, who had himself studied briefly abroad, the tour represented the crucial final part of the duke's overall education.³⁴ Writing to the duke at the beginning of his tour, Townshend noted that 'your future figure & happiness depends upon the use of the next few years'.³⁵ The following year he again emphasised what he considered as the particularly crucial nature of this part of the duke's development, especially with regard to his future career:

I have often told you that almost every man's mind, & indeed his life, takes it's color from his manner of passing & employing the few important years between his leaving school & entering into the world, and I have never thought of this part of your education, without much solicitude . . . my own experience in business convince me that, in this age, any person of rank & fortune may, with tolerable discretion, competent knowledge, & integrity be as great as even this country can make him, and therefore I wished to see you placed, with your own approbation, in a foreign country, for some time, where you might give to the necessary exercises of

³⁰ *Ibid.*, pp. 206-7, 632; Cesare de Seta, 'Grand Tour: The Lure of Italy in the Eighteenth Century', in Wilton and Bignamini (eds.), *The Grand Tour*, pp. 14.

³¹ Brewer, *Pleasures of the Imagination*, p. 632.

³² Francis Haskell, 'Preface', in Wilton and Bignamini (eds.), *The Grand Tour*, pp. 11-12.

³³ Brewer, *Pleasures of the Imagination*, pp. 257-9.

³⁴ Townshend studied law at Leyden between November 1745 and July 1746, although his own plans for a tour through the Low Countries had been frustrated due to a lack of funds and support from his father. Namier and Brooke, *Charles Townshend*, p. 13-15.

³⁵ Charles Townshend to the Duke of Buccleuch, 10 April 1764, in Ross, 'Educating an Eighteenth-Century Duke', p. 182.

the body, to the improvement of your mind, and to the amusements of your youth, their proper & alternate influence.³⁶

Townshend's choice of Smith as tutor also gives an important indication as to both the kind of tour in which he wanted the duke to participate and the nature of the education he wished him to receive. Smith was seemingly chosen in preference of Dr. Hallam, who, as the duke's private tutor at Eton, would have been the expected choice for the post.³⁷ Although Smith's reputation as both a man of letters and an accomplished teacher was already well established,³⁸ not everyone believed that he possessed the qualities necessary for the role of travelling tutor. One contemporary, citing Smith's social awkwardness and poor ear for French, argued that he was 'afraid Mr Charles Townshend will make a very indifferent *compagnon de voyage* out of a very able professor of ethics'.³⁹

Townshend was confident, however, both in Smith's general suitability as a tutor and in his ability to provide the kind of education he wished the duke to receive. Writing to the duke in June 1765, Townshend explicitly laid out what he saw as Smith's qualities and what was to be the specific purpose of the duke's studies:

Mr. Smith, among many other advantages, possesses that of being deeply read in the constitution & laws of your own country: he is ingenious, without being [over-re]fin'd; he is general, without being too systematical in his notions of our government, and from him, you will grow to be a grounded politician in a short course of study. When I say a politician, I do not use the word in the common acceptance, but rather as a phrase less severe, for that reason more proper to your age, than statesman, tho' the one is the beginning of the other, and they differ chiefly as *this* is the work of study, & *that* the same work finish'd by experience & a course

³⁶ Charles Townshend to the Duke of Buccleuch, 10 June 1765, in Ross, 'Educating an Eighteenth-Century Duke', p. 185.

³⁷ The duke later awarded Dr Hallam a pension of £300 per annum. N.A.S. GD 224/584/11/3, Abstract of the Rental of the Duke of Buccleuch's Estate Crop 1766. Dr Hallam was later consulted by the duke on the choice of tutor for his son, the Earl of Dalkeith, at Eton, noting, 'I know Mr. Hallams veneration for the Dutchess, and affection for me would make him as anxious about Ld. Dalkeith as we could be ourselves.' N.A.S. GD 224/295/2 [old catalogue], Duke of Buccleuch to Lord Advocate [Henry Dundas], 29 October 1779.

³⁸ The editors of the Oxford edition of TMS note, 'Smith's reputation in Scotland was already established before 1759. The publication of TMS made him known and esteemed both in England and abroad'. TMS, 'Introduction', D.D. Raphael and A.L. Macfie, pp. 25-29.

³⁹ Sir David Dalrymple to Horace Walpole, 17 April 1764. Quoted in Ross, *Life of Adam Smith*, p. 196. On the poor state of Smith's spoken French, see also Corr. no. 142, Adam Ferguson to Adam Smith, 1 June 1774. On his social awkwardness, his closest friend David Hume commented that 'perhaps his sedentary recluse life may have hurt his air and appearance, as a man of the world'. Quoted in Ross, *Life of Adam Smith*, pp. 212-213.

of office. Mr Smith will make you a politician, and time will afterwards, in your example, demonstrate the truth of my opinion.⁴⁰

Townshend's emphasis on the kind of practical political education that he expected Smith to provide for the duke is all the more interesting when considered in the light of Smith's own views regarding the education of the nobility and their suitability for such positions of high office. Writing in the *Theory of Moral Sentiments* – the very work that had recommended Smith to Townshend – Smith argued that the dominance of the nobility was maintained not by any practical abilities, but almost entirely because of the admiration and deference in which those of lower rank held them – what Smith described as the 'disposition of mankind, to go along with all the passions of the rich and powerful'.⁴¹ It was because of this that young noblemen learned that their authority depended not on any practical virtue but solely through the cultivation and refinement of manners, politeness and deportment which, as an visible expression of their superiority, tended to reinforce their position.⁴² And it was this lack of the 'more important virtues' and the incentive to acquire them, that rendered them so unfit for the higher offices of public life or indeed any situation that demanded 'the continual and long exertion of patience, industry, fortitude, and application of thought': these were, Smith argued, virtues that 'are hardly ever to be met with in men who are born to those high

⁴⁰ Charles Townshend to Duke of Buccleuch, 10 June 1765, in Ross, 'Educating an Eighteenth-Century Duke', p. 185.

⁴¹ TMS I.iii.2.1-3. See also WN V.i.g.12 where Smith argues that as a man of rank's authority depends on the respect that society gives him, and because his behaviour is closely attended to, he is 'obliged to a very strict observation of that species of morals, whether liberal or austere, which the general consent of this society prescribes to persons of his rank and fortune.' The negative consequences of this 'disposition to admire, and almost worship, the rich and the powerful' was developed in Smith's final revision of TMS (edition 6, published in 1790 just before Smith's death), where an additional chapter was added discussing the way in which this occasioned the 'corruption of our moral sentiments'. TMS I.iii.3.1.

⁴² 'By what important accomplishments is the young nobleman instructed to support the dignity of his rank, and to render himself worthy of that superiority over his fellow-citizens, to which the virtue of his ancestors had raised them? Is it by knowledge, by industry, by patience, by self-denial, or by virtue of any kind? All his words, as all his motions are attended to, he learns an habitual regard to every circumstance of ordinary behaviour, and studies to perform all those small duties with the most exact propriety. . . His air, his manner, his deportment, all mark that elegant and graceful sense of his own superiority, which those who are born to inferior stations can hardly ever arrive at. These are the arts by which he proposes to make mankind more easily submit to his authority, and to govern their inclinations according to his own pleasure: and in this he is seldom disappointed. These arts, supported by rank and preheminance, are, upon ordinary occasions, sufficient to govern the world.' TMS I.iii.2.4.

stations.⁴³ Smith's critique of the educational deficiencies of the nobility and their subsequent inability to act in public life may well have been considered as making him particularly suited for the task of preparing a young aristocrat for exactly such a career.

A further factor in Townshend's choice of Smith as tutor may well have been the hope that Smith's reputation would provide access for the duke to intellectual circles in France and elsewhere.⁴⁴ And despite frustration from a lack of introductions during the initial part of their tour, Smith was indeed later welcomed into literary circles, both in Geneva and France.⁴⁵

III. Adam Smith as tutor

Before examining the circumstances of the duke's tour and his programme of study under Smith, this section will firstly examine what is known of Smith's previous approach towards tutoring and his views concerning the education of young men in general. Writing in the *Wealth of Nations*, published a decade after his return from the tour, Smith gave a wholly negative opinion of the Grand Tour as a suitable form of education for a young man.

⁴³ TMS I.iii.2.5. In WN Smith attributed the 'ignorance' of the land owning classes to the fact that their income from rent cost them 'neither labour nor care', and thus led to a state of indolence which 'renders them too often, not only ignorant, but incapable of that application of mind which is necessary in order to foresee and understand the consequences of any publick regulation.' WN I.xi.p.8. In a similar argument Smith argued that the division of labour could lead to the labouring poor falling into 'drowsy stupidity' from want of variety of application and a lack of exercising their understanding. WN V.i.f.50-53. This applied, however, much more to the labouring poor than to those of rank and fortune who, through education, variety and complexity of employment and experience, were unlikely to 'grow torpid for want of exercise'. WN V.i.f.52.

⁴⁴ William Fraser argued that Smith was chosen 'not for any special fitness for such duties . . . but from his eminence in the world of thought.' In letter of April 1765, Townshend noted that through David Hume the duke would gain easy access to the 'men of letters' in Paris. He added that 'men of letters' in France, were also 'men of the world', 'and are therefore the most useful society to you, who must be one, & ought to be the other, of these characters. The conversation of such men will familiarise subjects to you otherwise abstruse; it will give you the fruits, without the labour of application; it will do more, it will lead you to farther application, & insensibly form your mind to a preference of liberal men & a taste for elegant amusements.' Charles Townshend to Duke of Buccleuch, 22 April [1765], in Ross, 'Educating an Eighteenth-Century Duke', p. 183; Fraser, *Scotts of Buccleuch*, p. 489.

⁴⁵ These included the salons of Baron d'Holbach, Mme Geoffrin, Comtesse de Boufflers, Juile de L'Espinasse, Mme Necker, in Paris, where he also made acquaintance with Francois Quesnay and Anne-Robert-Jacques Turgot. In Geneva, Smith participated in the circle of duchesse d'Enville, where he formed friendships with the 2nd Earl of Stanhope, George-Louis Le Sage and Charles Bonnet; and during his visit also met several times with Voltaire in nearby Ferney. Ross, 'Educating an Eighteenth-Century Duke', p. 183n; Ross, *The Life of Adam Smith*, pp. 199 – 200, 208 – 217.

Arguing that only the decline of the English universities could have given rise to such an 'absurd practice', Smith stated that beyond gaining a superficial knowledge of one or two foreign languages, the tourist

commonly returns home more conceited, more unprincipled, more dissipated, and more incapable of any serious application either to study or business, than he could well have become in so short a time, had he lived at home. By travelling so very young, by spending in the most frivolous dissipation the most precious years of his life, at distance from the inspection and controul of his parents and relations, every useful habit, which the earlier parts of his education might have had some tendency to form in him, instead of being rivetted and confirmed, is almost necessarily either weakened or effaced.⁴⁶

At the centre of Smith's critique of the tour as a serious means of education, and indeed his criticism expressed elsewhere of sending children away to public schools, is what he saw as the potential for a lack of 'inspection and controul' over the student, a situation which could lead to the student spending their time 'unemployed' and 'neglected'.⁴⁷ This belief in the centrality of 'inspection and controul' in the education of young people is also very evident in Smith's own earlier approach to tutoring. As mentioned above, the Hon. Thomas Petty Fitzmaurice, second son of the 1st Earl of Shelburne, boarded with and was privately tutored by Smith at Glasgow University between 1759 and 1761.⁴⁸ In a series of letters to Fitzmaurice's father, Smith went into a great deal of detail regarding the boy's studies and behaviour which provide a number of insights into both the rigour of Smith's approach to tutoring and the subjects he considered suitable for the education of a young noble.⁴⁹ During his first winter under Smith's tutelage, Fitzmaurice attended six hours a day of lectures; one

⁴⁶ WN, V.i.f.36.

⁴⁷ WN, V.i.f.36. Although Smith believed that in England the public schools were 'much less corrupted than the universities' WN, V.i.f.17, he noted in TMS that 'The education of boys at distant great schools, of young men at distant colleges, of young ladies in distant nunneries and boarding schools, seems, in the higher ranks of life, to have hurt most essentially the domestic morals, and consequently the domestic happiness, both of France and England . . . Surely no acquirement, which can possibly be derived from what is called a public education, can make any sort of compensation for what is almost certainly and necessary lost by it. Domestic education is the institution of nature; publick education the contrivance of man. It is surely unnecessary to say, which is likely to be the wisest.' TMS VI.ii.1.10.

⁴⁸ Ross, *Life of Adam Smith*, pp. 116, 134-136.

⁴⁹ Smith's published correspondence contains eleven letters to Lord Shelburne written between 10 March 1759 and 11 November 1760, (Corr. nos. 29, 30, 42, 43, 45, 46, 48, 49, 51, 52, 53), one letter from Lord Shelburne (no. 32.), and one letter to Fitzmaurice's brother, Viscount Fitzmaurice (no. 28).

hour of Logic, two hours of Smith's lectures on Moral Philosophy, and one hour of each Greek, Latin, and Mathematics. In addition to this, Fitzmaurice would spend two to three hours a day with Smith, going over 'very regularly' the subjects he had covered in his lectures, and would also 'read too every day some thing by himself and a good deal on Saturdays and Sundays'. During the summer holidays, Smith planned that Fitzmaurice would spend two or three hours every morning reading with him 'the best greek, latin and french authors on Moral Philosophy', in addition to studying Euclid with the professor of Mathematics, and learning French, dancing, and fencing. Smith then expected that Fitzmaurice would complete his philosophical studies the following winter, after which he would move on to study law and history, while also 'perfecting himselfe in philosophy and languages'.⁵⁰ In the summer break of the following year, Smith reported that his pupil spent the morning reading 'the best English authors', one or more hours after dinner reading Montesquieu's *De L'Esprit des Lois* with Smith, and the evening 'in exercises, in dancing or in learning the exercise of an officier and a soldier'.⁵¹

The intensity of this schedule was an important part of Smith's programme for his pupil. Writing to Fitzmaurice's father Smith noted that he chose 'rather to oppress him with business for this first winter: It keeps him constantly employed and leaves no time for idleness.'⁵² This approach was also combined with a high level of close personal supervision and scrutiny. In his letter proposing Fitzmaurice as a pupil for Smith, Gilbert Elliot had made a point of noting that Smith would have 'the total charge and direction' of his pupil's education, 'without any controul', a situation that Elliot must have believed as being of importance for Smith.⁵³ As has been noted above, a significant part of Fitzmaurice's studies involved reading and going over lessons with Smith. On Fitzmaurice's arrival in Glasgow, Smith had placed him directly into his own Moral Philosophy class, by-passing the logic

⁵⁰ Corr. nos. 29, 30, Adam Smith to Lord Shelburne, 10 March, 4 April 1759.

⁵¹ Corr. no. 51, Adam Smith to Lord Shelburne, 15 July 1760.

⁵² Corr. no. 30, Adam Smith to Lord Shelburne, 4 April 1759.

⁵³ Corr. no. 27, Gilbert Elliot to Adam Smith, 14 November 1758.

class which would normally have been completed first, in order, as Smith noted to Lord Shelburne, 'to have him immediately under my own eye'.⁵⁴ In this respect, Fitzmaurice's father's reasons for sending him to Glasgow to be taught by Smith are also of interest. In a letter to Smith, Shelburne noted that

The great fault I find with Oxford and Cambridge, is that boys sent thither instead of being the governed, become the governors of the Colleges, and that birth and fortune there are more respected than literary merit; I flatter'd myself that it was not so at Glasgow, and your commendation of my son's conformity to the discipline of the place he is in, persuades me that you think as I do, that no greater service can be done in leading to manhood, than to confirm youth, by long practice, in the habit of obedience; a power of adopting the will of another, will make one master of one's own.⁵⁵

On another occasion Smith noted that he believed 'nothing being equal to established authority for the government of young people'.⁵⁶

A further aspect of Smith's approach was his careful ongoing assessment of his pupil's strengths and weaknesses, not only of his academic abilities, but also of his general character and developing moral demeanour: what Lord Shelburne commended as Smith's 'power of looking into him'.⁵⁷ Despite Smith stressing his willingness to adapt his approach to Fitzmaurice's 'conduct or education' to Lord Shelburne's wishes,⁵⁸ Shelburne replied that

every thing confirms that you merit that character which made me wish so much that you should take the charge of him upon you, and . . . the more I reflect on the situation he is in, the more I am happy; so much so, and so satisfied both of your ability and inclination to do him service, that I must refuse the request you make, that I shou'd point out what I wish to have done, I can point out nothing, I can only approve of what you mean to do.⁵⁹

⁵⁴ Corr. no. 30, Adam Smith to Lord Shelburne, 4 April 1759.

⁵⁵ Corr. no. 32, Lord Shelburne to Adam Smith, 26 April 1759.

⁵⁶ Corr. no. 37, Adam Smith to Lord Shelburne, 31 August 1759.

⁵⁷ Smith noted to Lord Shelburne at the beginning of his tutoring of Fitzmaurice that, 'I have conversed with him these two months with the greatest intimacy', and on receiving Smith's assessment of Fitzmaurice and his plan of education for him, Shelburne noted 'I can not sufficiently express my satisfaction at the account you give me of my son . . . the description you make of him, convinces me of your power of looking into him, so does the scheme you chalk out for the prosecution of his studies, convince me of your judgement'. Corr. no. 29, Adam Smith to Lord Shelburne, 10 March 1759; Corr. no. 32, Lord Shelburne to Adam Smith, 26 April 1759.

⁵⁸ Corr. no. 30, Adam Smith to Lord Shelburne, 4 April 1759.

⁵⁹ Corr. no. 32, Lord Shelburne to Adam Smith, 26 April 1759.

A further notable aspect of Smith's tutoring of Fitzmaurice, which would later become evident in his tutoring of Buccleuch and his brother, is the close personal relationship he built up with his pupil. Early in his tutoring of Fitzmaurice, Smith described how he had 'conversed with him for these two months with the greatest intimacy',⁶⁰ and both Smith's letters concerning his pupil's health and the tone of Fitzmaurice's later correspondence to Smith are suggestive of the closeness of their friendship.⁶¹

Smith's account of his tutoring of Fitzmaurice suggests a rigorous and conscientious approach to the academic and moral development of his charge and as such is consistent with his self-professed commitment to teaching at Glasgow, which he described as his 'sacred' engagement 'by which I am bound as a member of this University to do every[thing] in my power to serve the young people who are sent here to study, such especially as are particularly recommended to my care.'⁶² Smith's tutoring of Fitzmaurice also serves as an indication as to the kind of approach he would employ with the duke on his tour, a situation that by Smith's own later account, would require an even greater degree of 'controul and inspection'. It is to the circumstances of the tour that this chapter now turns.

IV. The circumstances of the tour

An interesting feature of Smith's and the duke's tour was that it did not conform to the classic route that was becoming established during this period, limiting themselves rather to France and Geneva.⁶³ After ten days in Paris, Smith and the duke travelled to Toulouse where they would base themselves for the next eighteen months. In the autumn of 1765, and after a number of excursions in France, Smith and the duke, now joined by the duke's younger brother, travelled on to Geneva where they remained for about two months. From

⁶⁰ Corr. no. 29, Adam Smith to Lord Shelburne, 10 March 1759.

⁶¹ See Corr. nos. 45, 46, 48, 49, Adam Smith to Lord Shelburne, 10, 12, 17, 19 March 1760, and no. 64, Hon. Thomas Fitzmaurice to Adam Smith, 26 February 1762.

⁶² Corr. no. 37, Adam Smith to Lord Shelburne, 31 August 1759.

⁶³ What was becoming the classic route for British tourists would start in the Netherlands, followed by France, and then on to Italy by sea. After the tour of Italy (including Rome, Venice and Naples), the tourist would return by way of Switzerland, Germany and Calais. de Seta, 'Grand Tour', p. 14.

there they returned to France in early 1766 where they based themselves in Paris for the remainder of their tour.⁶⁴ One of the main reasons for the choice of Toulouse for the first eighteen months of the tour seems to have been Townshend's concern to keep the duke away from the various temptations associated with Paris. Townshend had previously noted that he was keen that the duke's initial stay in London should be short so as not to expose him to 'the habits and companions of London, before his mind has been more formed and better guarded by education and experience'.⁶⁵ And when Townshend agreed to the duke's request to leave Toulouse and settle in Paris, along with warning of the dangers of any 'female attachment' he was keen to stress that the duke should, 'still think the place of residence only changed, & not your age, nor your plan of improvement, nor the propriety of continuing the same study & the same exercises'.⁶⁶ A letter between two of the duke's agents states, however, that Smith and his charges did originally intend to travel on to Germany from Paris in the summer of 1766, but presumably cancelled their plans due to the duke's ill health and the death of Hew Campbell Scott.⁶⁷

Although no record survives of what Townshend variously termed the duke's 'plan of improvement' or 'system of application' under Smith,⁶⁸ it is possible from the remaining evidence to reconstruct several aspects of the duke's studies.⁶⁹ An important source is the eight surviving letters written by Townshend to his stepson during his tour.⁷⁰ Although Townshend made a point of noting that he would leave the duke's 'course of study' up to

⁶⁴ For a detailed account of their tour see, Ross, *Life of Adam Smith*, pp. 195-219.

⁶⁵ Corr. no. 79, Charles Townshend to Adam Smith, 25 October 1763.

⁶⁶ Charles Townshend to the Duke of Buccleuch, 22 April [1765], in Ross, 'Educating an Eighteenth-Century Duke', pp. 182-3.

⁶⁷ For the duke's intention to tour through Germany see, N.A.S. GD 224/268/11, Kenneth Mackenzie to John Craigie, London, 22 July 1766.

⁶⁸ Ross, 'Educating an Eighteenth-Century Duke', pp. 183, 189.

⁶⁹ Dugald Stewart commented, 'It is to be much regretted, that he preserved no journal of this very interesting period of his history; and such was his aversion to write letters, that I scarcely suppose any memorial of it exists in his correspondence with his friends.' EPS Stewart III.10. The most recent biographer of Smith notes, 'No trace has been found so far of a diary Smith is said to have kept in France, and reported as sold in the 1920s from the bookshop of a Mr Orr, George St., Edinburgh'. Ross, *Life of Adam Smith*, p. 428n.

⁷⁰ The eight letters written between April 1764 and October 1766 are published in Ross, 'Educating an Eighteenth-Century Duke', pp. 178-197.

Smith,⁷¹ he did make a number of specific suggestions in his correspondence to Buccleuch regarding aspects of his studies, all of which were concerned with the same overall theme – the preparation of the duke for what Townshend termed as the role of ‘hereditary senator’.⁷²

In a letter of April 1765 Townshend asked the duke to analyse the development of the French monarchy and government from feudal times (most probably referring to Montesquieu’s *De L’Esprit des Lois*), the progress of its commerce and trade, and in particular the circumstances which had led to its recent defeat in the Seven Years’ War.⁷³ On receipt of the duke’s writings on the subject Townshend noted approvingly of his findings, adding they had given him ‘the most satisfactory contemplation’ of what in the future would be the ‘personal lustre & the public utility of the same talents & the same mind, when, from the study of forein states, it shall be exercised in the administration of your own country’.⁷⁴

In June of the same year, and on hearing that the duke was currently reading a ‘History of England’ (most likely Hume’s *History of England*, 1754-1762), Townshend advised him to be ‘very attentive’ to ‘every event & every character’ in the reign of Charles I, through which he was to examine ‘excellencys & defects’ of the British constitution.⁷⁵ The following month Townshend suggested the duke pay particular attention to the acquiring of an appropriate style of rhetoric suitable for public debate – to form his ‘language & habit of expression to some model which you shall yourself think suited to your temper & feel you can command readily’.⁷⁶ In June 1766 Townshend sent the duke a parcel of ‘American papers’, a subject of particular interest to Townshend, presumably for use in his studies.⁷⁷

⁷¹ *Ibid.*, pp. 183.

⁷² *Ibid.*, p. 189.

⁷³ *Ibid.*, pp. 183-4.

⁷⁴ *Ibid.*, p. 188.

⁷⁵ *Ibid.*, pp. 185-7.

⁷⁶ *Ibid.*, p. 189.

⁷⁷ *Ibid.*, p. 197. Townshend was acknowledged by contemporaries as an authority on the American colonies and was apparently offered the position of Secretary of State for America in May 1766. In July 1766 Townshend was appointed Chancellor of the Exchequer in which capacity he was responsible for the decision to raise duties on imports to America that would play a central role in the later outbreak of war with the American colonies. Namier and Brooke, *Charles Townshend*, pp. 143-144, 146, 153, 172-179.

Townshend's suggestions give a number of insights into the duke's education under Smith. Firstly, they provide virtually the only detailed information regarding the subjects of the duke's studies. Secondly, they serve again to emphasise the practical political ends that Townshend wished the duke's studies to be directed towards. Thirdly, they suggest the way in which the areas of Smith's own expertise would be considered as particularly appropriate for this kind of education, in Townshend's words, turning the duke into 'a grounded politician in a short course of study'.⁷⁸ A significant component of Smith's lectures on Moral Philosophy in Glasgow had been concerned with Jurisprudence, dealing with, by Smith's definition, 'the theory of the rule by which civil governments ought to be directed'.⁷⁹ This broad conception of the subject included not only the historical progress of jurisprudence and the way in which this related to the development of institutions of law and government, but also the practical regulations of government intended to 'increase the riches, the power, and the prosperity of the state'.⁸⁰ Given Townshend's general emphasis and specific requests, these subjects would have formed an important part of Smith's teaching, particularly given that Smith's own statement that 'political economy' was a 'branch of the science of a statesman or legislator'.⁸¹ Smith was similarly well equipped to instruct the duke on Townshend's other area of emphasis, rhetoric: this had been the subject of Smith's supplementary or 'private' lectures at Glasgow.⁸² This theoretical approach to political practice was supplemented by the practical experience during the tour of the various systems of government Smith and his students encountered. We know, for example, that in the autumn of 1764 Smith planned to take the duke and his brother to Montpellier expressly to attend a sitting of the Estates of Languedoc;⁸³ that Smith and the duke were familiar with

⁷⁸ Ross, 'Educating an Eighteenth-Century Duke', p. 185.

⁷⁹ LJ(A) i.1. Smith's other definition was 'the theory of the general principles of law and government'. LJ(B) 5. Smith's lectures on Moral Philosophy were divided into four parts: natural theology, ethics, justice, and police (which included revenue and arms). LJ 'introduction', pp. 3-5.

⁸⁰ From John Millar's account of Smith's lectures in, EPS Stewart, I.18-20.

⁸¹ WN IV.Intro.1.

⁸² LJ 'introduction', pp. 3-4.

⁸³ Corr. no. 83, Adam Smith to David Hume, 21 October 1764.

some of the 'principal persons' of the *Parlement* during their stay in Toulouse,⁸⁴ and mixed in political circles in Geneva;⁸⁵ and that during their second stay in Paris the duke was introduced to the French Court and diplomatic circles.⁸⁶

Apart from Townshend's correspondence, the only other reference to the specific studies the duke undertook is Smith's report to Hume in August 1765 that the duke had 'read almost all your works several times over', to which he added 'was it not for the more wholesome doctrine which I take care to instill into him, I am afraid he might be in danger of adopting some of your wicked principles'.⁸⁷ This study of Hume is in keeping with Smith's earlier tutoring of Fitzmaurice, which included the study of what Smith described as 'the best English authors' and a strong emphasis on moral philosophy.⁸⁸

As with the content of the duke's studies, there is again only a limited amount of evidence from which to reconstruct the duke's progress under Smith. In April 1764 Hume's cousin, the Abbe Colbert du Seignelay de Castlehill, who was Vicar-General of Toulouse, reported that the duke was progressing well with his studies and that his French was improving.⁸⁹ Three months later, however, Smith gave Hume a far less encouraging account of their progress. Smith related how they had heard nothing of the recommendations that Townshend was supposed to have arranged to introduce them to 'all the people of fashion here and everywhere else in France'. He continued;

The progress, indeed, we have made is not very great. The duke is acquainted with no french man whatever. I cannot cultivate the acquaintance of the few with whom I am acquainted, as I cannot bring them to our house and am not always at liberty to

⁸⁴ EPS Stewart III.7.

⁸⁵ Smith met with Syndic Turretin, president of the Republic, on at least one occasion. John Rae, *Life of Adam Smith*, (1895, New York 1965), p. 191.

⁸⁶ The duke travelled to Compiègne to 'see the camp and hunt with the king and his court'. During his illness there, Smith reported that 'the King and Queen both enquired very particularly about the duke, first from his physicians, and afterwards, from the Sardinian Ambassador and from the Duke of Richmond who expresses the most anxious concern about him.' Corr. nos. 94, 95.

⁸⁷ Corr. no. 86, Adam Smith to David Hume, [August 1765].

⁸⁸ In the WN Smith would later recommend that the state should actively promote the study of science and philosophy amongst all those of people of 'middling or more than middling rank and fortune' to protect society in general from 'the poison of enthusiasm and superstition'. WN V.i.g.14. The duke's library at Dalkeith later contained copies of Hume's *History of England* and his *Political Discourses*. N.A.S. GD 224/962/21/1, Inventory of Household Furniture at Dalkeith House, May 1812.

⁸⁹ Ross, *Life of Adam Smith*, p. 202.

go to theirs. The life which I led at Glasgow was a pleasurable, dissipated life in comparison of that which I lead here at present. I have begun to write a book in order to pass the time.⁹⁰

By October of that year, however, Smith could report that their excursions to Bordeaux and the Pyrenees, had made a 'great change upon the duke': 'He begins now to familiarize himself to French company and I flatter myself I shall spend the rest of the time we are to live together, not only in peace and contentment but in gayety and amusement.'⁹¹ The following July, Townshend commented approvingly on the duke's analysis of the French government:

The precision with which you state, the knowledge with which you discuss, and the judgement with which you decide upon the operations, defects and corruptions of the system would do honour to a writer of any age, and open to me the most satisfactory contemplation, by suggesting to me what will be the personal lustre & the public utility of the same talents & the same mind, when, from the study of foreign states, it shall be exercised in the administration of our own country.⁹²

Writing to Hume the following month, Smith noted that the philosopher would find Buccleuch 'very much improved'.⁹³ Shortly before the end of their tour, in October 1766, Townshend wrote to the duke congratulating him in the light of accounts he had received of him during his time abroad:

It was some consolation in the midst of our solicitude [on hearing of the duke's illness] to receive from all orders of men, from strangers as well as acquaintance, at home & abroad, so universal a testimony to your conduct & character, and to find you established, as you are, in the judgement & respect of all men who have known or heard of you. I, who have known you from your earlier years, had no doubt of this, but it was a great satisfaction to see my prophecy proved & my opinion become general. You have nothing to think of, but the care of your health, for you have secured the world, & added the best of characters to the most ample advantage of birth & fortune.⁹⁴

⁹⁰ Corr. No. 82, Adam Smith to David Hume. Toulouse, 5 July 1764. The book referred to by Smith has not been definitely identified, but may have been a continuation of the Early Draft of WN that he had begun before he left Glasgow. See Ross, *Life of Adam Smith*, p.202 – 203.

⁹¹ Corr. no. 83, Adam Smith to David Hume, 21 October 1764.

⁹² Charles Townshend to Duke of Buccleuch, 23 July 1765, in Ross, 'Educating an Eighteenth-Century Duke', p. 188.

⁹³ Corr. no. 86, Adam Smith to David Hume, [August 1765].

⁹⁴ Charles Townshend to the Duke of Buccleuch, 16 October 1766, in Ross, 'Educating an Eighteenth-Century Duke', p. 195-6.

Buccleuch's conduct and character seems to have similarly impressed his London agent, Kenneth Mackenzie, who noted the following February that the duke 'promises more regularity & exactness, than all the young men I ever had the honor to know'.⁹⁵ Buccleuch himself was in no doubt of the benefits arising from his time with Smith, as he later recalled:

We returned to London, after having spent near three years together, without the slightest disagreement or coolness; - on my part, with every advantage that could be expected from the society of such a man. We continued to live in friendship till the hour of his death: and I shall always remain with the impression of having lost a friend whom I loved and respected, not only for his great talents, but for every private virtue.⁹⁶

One final aspect of Smith's tutoring of Buccleuch and his brother was the close friendship he formed with his charges. This is particularly evident in the letters relating first the duke's fever in August 1766, and then Hew Campbell Scott's illness and death the following October, which occasioned their early return.⁹⁷ In a letter to Smith shortly before his death, Buccleuch described how 'we have long lived in friendship, uninterrupted for one single moment since we first were acquainted'.⁹⁸

As noted above, the duke's and Smith's tour was cut short by the death on 19 October of Buccleuch's brother, Hew Campbell Scott. Smith, the duke, and a servant accompanied Scott's body back to England, arriving at Dover on 1 November.⁹⁹ On their arrival in London, they were met by Kenneth Mackenzie, who reported back to Archibald Campbell, noting what seems to have been the first indication that the duke's future plans lay in Scotland:

Upon my arival, I found the Accounts too true of the death of Mr Scott, an ornament to any family or country, tho' at the same time, I was greatly pleased to find, that the Duke was arived six hours before me - and I thank God in perfect good health and Scotland the object of his attention.¹⁰⁰

⁹⁵ N.A.S. GD 224/268/11, Kenneth Mackenzie to John Craigie, 7 February 1767.

⁹⁶ EPS., p. 306-7.

⁹⁷ Corr. nos. 94, 95, 97, 98.

⁹⁸ Corr. no. 293, Duke of Buccleuch to Adam Smith, 24 February 1790.

⁹⁹ N.A.S. GD 224/268/11, Kenneth Mackenzie to John Craigie, 8 November 1766.

¹⁰⁰ N.A.S. GD 224/377/7/17, Kenneth Mackenzie to Archibald Campbell, 11 November 1766.

Chapter 3: Initial reforms 1767-1772

Our hapless land in vain has long complain'd,
Of chiefs in syren bondage still detain'd;
Idly in courts who waste their tedious days,
Asleep alike to pleasure and to praise.
Break thou the charm! with merit all thine own,
Seek an untrodden path to high renown!

...

Be this thy country! thou her pride and boast!
And full repay her the long years she's lost.

‘Verses on His Grace the Duke of Buccleuch's Birthday. September 1767.’¹

In early September 1767 the Duke of Buccleuch arrived in Scotland to celebrate his twenty-first birthday and the end of his sixteen-year minority. The duke, accompanied by his new wife and his younger sister, Lady Francis Scott, were joined in Langholm by John Craigie of Kilgranston, from where they travelled north to the family's ancestral seat of Dalkeith House, Midlothian.² The duke's two and a half month visit, his first to Scotland, was to prove an eventful one which in several important respects set the tenor for much of his future public career. Days before the planned celebration of his majority on 13 September, news reached the duke of the death of Charles Townshend, an event which seems to have had an important bearing on this choice of future public role. According to one contemporary account, the duke's reaction to this news was mixed: he was overheard to have said, that ‘tho he sincerely regreted [his] premature death, yet to him it was attended with the consolation that it left him at liberty to chuse his own [line] of life, for had Mr T[ownshend]. surviv'd, he might have been drawn into the vortex of politicks much against

¹ [Alexander Carlyle], ‘Verses on His Grace the Duke of Buccleuch's Birthday. September 1767’. *Scots Magazine*, 1767, vol. xxix. p. 487, reproduced in Fraser, *Scotts of Buccleuch*, pp. 492-495.

² On 1 September an express message was sent to John Craigie informing him of the family's imminent arrival in Langholm, in order that he could meet them there. N.A.S. GD 224/268/12, Mr Craigie's Accounts and Vouchers 20th February – 13th September 1767: Legal Affairs.

his will'.³ It was during this initial stay that the duke apparently decided to base himself, for at least part of the year, upon his Scottish estates, in opposition to the clearly expressed wishes of Townshend, who had hoped the duke would make Adderbury his principal residence.⁴ It was also during this visit that Buccleuch first met the young and ambitious advocate, Henry Dundas, with whom he would form a close friendship and political alliance that would dominate Scottish politics for the next forty years.⁵ Most significantly for the present study, the duke's initial stay also saw the instigation of a number of important reforms to the management of his Scottish estates, including alterations to its management structure and letting policy. This chapter will also argue that evidence suggests that Adam Smith played an important role in the duke's affairs during this crucial transitional period from minority to personal administration.

By 13 September Smith had joined the duke at Dalkeith House, from whence he wrote to David Hume:

The Duke and Duchess of Buccleugh have been here now for almost a fortnight. They begin to open their house on Monday next and I flatter myself will both be very agreeable to the people of this country. I am not sure that I have ever seen a more agreeable woman than the Dutchess. I am sorry that you are not here because I am sure you would be perfectly in love with her. I shall probably be here some weeks.⁶

In the event, Smith remained at Dalkeith House for the next two months until the duke's departure south in mid-November.⁷ During this time, according to Alexander Carlyle, Smith was responsible for guiding the young couple into local society - a role for which he

³ Alexander Carlyle, *Anecdotes and Characters of the Times*, ed. James Kinsley (London, 1973), p. 249.

⁴ For Townshend's wishes for the duke to settle at Adderbury see, Ross, 'Educating an Eighteenth-Century Duke', pp. 188, 193, 195. The duke gave instructions that Langholm Castle, the residence of his Canonbie and Eskdale Chamberlain, would become his summer residence in Scotland in early 1768 N.A.S. GD 224/268/13, Kenneth Mackenzie to John Craigie, 18 Feb. 1768. Following the duke's second visit to Scotland in November 1768 refurbishment and repairs were ordered at Dalkeith House and its grounds, where the duke's library was shipped in January 1769. See N.A.S. GD 224/91/2, Letterbook 1768-9 on management of Scottish Estates. pp. 24-7, 34-39.

⁵ See above pp. 9-10.

⁶ Corr. no. 109, Adam Smith to David Hume, 13 September 1767.

⁷ Carlyle, *Anecdotes*, p. 250.

considered Smith as singularly unsuited.⁸ Although Smith's central role at the celebration of the duke's majority, and his appearance at one other official function certainly supports this interpretation,⁹ other evidence suggests that his role during this crucial transitional period was of a more practical and significant nature than has been previously acknowledged. On 26 June that year Smith had received his first half-yearly instalment of the £300 annuity that Buccleuch would pay him for the rest of his life.¹⁰ No details survive of what, if any, role was expected of Smith in return for this substantial pension. But in a letter of January 1768, Smith refers to advice he had received and followed, advising him to make a change to his 'original contract' with the duke,¹¹ while suggesting that certain ongoing contractual obligations remained. His practical role within Buccleuch's affairs during his initial stay at Dalkeith is indicated in a letter to Smith of 29 October from Archibald Campbell in which the latter referred to proposed reforms to the management of the estate:

It does not at present occur to me that any definitive resolution can be taken upon the plan or manner of letting his Grace['s] estate. This I think must depend in a great measure on the proposals that shall be made in consequence of the advertisements in the publick papers and the enquires upon these proposalls and likeways on the success of the act of parliament which is now projected. So that it may probably be the month of March or April next before any proper plan can be formed.¹²

This letter not only shows Smith acting in an official capacity for the duke, arranging his meetings with his other agents, but also reveals him as being party to the discussions surrounding the attempts to alter the management strategy of the Buccleuch estates.

Furthermore, the letter highlights what were to be the two foundations of the duke's initial improvement policy: the re-letting of the entire estate by way of advertisements in the press,

⁸ 'I have often thought since that if they had brought down a man of more address than he was, how much sooner their first appearance might have been; their own good sense and discernment, enabled them sooner to draw round them as familiars, a better set of their own chusing, than could have been pick'd out for them by the assistance of an Aid De Camp, or Led Captain.' *Ibid.*, p. 250.

⁹ *Ibid.*, p. 250. I. S. Ross notes that Smith and the duke were made burgesses of Musselburgh together on 26 September 1767. Ross, *Life of Adam Smith*, pp. 232-233.

¹⁰ Corr. no. 106, Adam Smith to John Craigie, 26 June 1767.

¹¹ Corr. no. 113, Adam Smith to Lord Shelburne, 27 January 1768. Smith asks Shelburne to tell Colonel Robert Clerk (?1724-97) 'that I have followed his advice exactly with regard to a change which he proposed I should make in the original contract I made with the Duke of Buccleugh. I am very much obliged to him for his counsell and I feel the good effects of it every day.'

¹² N.A.S. GD 224/389/2/20, Archibald Campbell to Adam Smith [draft], 29 October 1767.

and an attempt to obtain an act of Parliament to alter the strict entail of the Buccleuch estates. Other evidence, discussed below, suggests that Smith was directly involved in the initial attempts to implement both of these aspects of the proposed reforms. This chapter will firstly set out in detail the attempts to implement these two central aspects of the initial improvement policy of the duke emanating from his visit in the autumn of 1767. Secondly, the changes to the administrative structure of the estate during the first few years of the duke's administration and the way in which this related to improvement policy will be examined.

I. Entail reform

The 'entailing' of a landed estate limited its succession to a specified series of heirs, while stipulating that the proprietor could neither sell any part of the land, nor contract debts that might endanger the survival of the estate. By an Act of 1685, the Scottish Parliament had established a register of entails, ostensibly to prevent the fraudulent raising of loans by heirs of secretly entailed estates secured on those properties. In practice, however, as one historian has noted, it was widely perceived from the outset 'as a device to protect the estates of an impoverished landed class from forfeiture, debt or profligate heirs'.¹³ Despite the continuing increase of entailed estates (by 1765 there were 500 deeds registered, covering perhaps as much as twenty per cent of Scotland's land by valuation), from the middle of the 1740s there was increasing awareness of the negative effects of the Act, culminating in an unsuccessful attempt by the Faculty of Advocates to instigate a campaign in 1764 to abolish entails.¹⁴ The first indication of the duke's attempts to alter the entail of his Scottish estates dates from early 1767 and is found in the legal documentation and correspondence surrounding his marriage settlement. In March of that year, four months after his return from

¹³ N. T. Phillipson, 'The Civic Leadership of Post Union Scotland', *The Juridical Review*, Vol. 21 (1976), p. 113. For the background and development of the law of entail in Scotland see, E. D. Sanford, *A Treatise on the History and Law of Entails in Scotland* (Edinburgh, 1822).

¹⁴ Phillipson, 'Civic Leadership', pp. 113-4.

his tour, Buccleuch announced his intention to marry Lady Elizabeth Montagu, daughter and eventual heir of George, Duke of Montagu.¹⁵ As a minor, the duke had to petition the House of Lords for legislation to enable him to make the necessary marriage settlement,¹⁶ and, in a letter of 7 March, Kenneth Mackenzie outlined the proposals to Archibald Campbell: 'The Duke's intention is, to charge the Entaild estates with the jointure, and as much for the portions of younger children as he can do by law, or by authority of parliament, so as to leave his own purchases as allways in his power to dispose of as he may think proper.'¹⁷ As part of the estate was already charged with the jointure of Lady Dalkeith, it was necessary to ascertain the precise rental of all the lands that were described in the original entail of the estate of 1650.¹⁸ There followed several searches of the charter room of Dalkeith House for the relevant documents and, by 16 March, an abstract of the rental of the duke's estate had been drawn up, detailing which entails applied to which lands.¹⁹

The position of the various entails was summarised in a document by Alexander Lockhart of Craighouse, Dean of the Faculty of Advocates, who had been contracted to 'revise and direct' the duke's marriage settlement.²⁰ Since 14 June 1650, the Buccleuch estate had been placed 'under the strictest prohibitions' of entail by Francis, Earl of Buccleuch.²¹ The earl's daughter and successor, Anne, Duchess of Buccleuch and Monmouth, added considerably to the estate during her long life and entailed her purchases in three separate acts, all with the same restrictions as the initial 1650 deed.²² These

¹⁵ Ross, *Life of Adam Smith*, p. 226.

¹⁶ See N.A.S. GD 224/324/7/1-33. Legal papers relating to the settlement of the estate of Buccleuch on the marriage of Henry, 3rd Duke of Buccleuch with Lady Elizabeth Montagu, 1767.

¹⁷ N.A.S. GD 224/324/7/19, Kenneth Mackenzie to Archibald Campbell, 7 March 1767.

¹⁸ *Ibid.* 'Tailzie' is Scots for entail.

¹⁹ N.A.S. GD 224/268/12, Legal Accounts 1766-7; GD 224/324/7/10, Abstract of the rental of the Buccleugh Estate for 1763, divided according to entail.

²⁰ N.A.S. GD 224/324/7/3, copy of 'Opinion upon the case respecting of settlements of the estate of Buccleugh.' Alexander Lockhart, 17 March 1767; NAS GD 224/268/12, Legal Affairs 1766-7.

²¹ N.A.S. GD 224/324/7/3, copy of 'Opinion upon the case respecting of settlements of the estate of Buccleugh.' Alexander Lockhart, 17 March 1767. N.A.S. GD 224/386/11/[7], 'Case of the Settlements and Entails of the Buccleugh family and about an Act of Parliament for setting leases', Nov. 1767.

²² *Ibid.*, The three deeds of entail were made in December 1714, 30 April 1731, and 11 December 1731.

restrictions prohibited the heirs of entail from altering the course of the estate's succession and from alienating any part by charging them to debts. Lockhart highlighted, however, two further inconveniences of the Buccleuch entail. Firstly, a 'singular and remarkable feature' of these settlements was their omission of any suitable provision for husbands or wives, and a failure to make similar provisions for any children.²³ Secondly, all the deeds contained 'one most irritant and hurtfull restraint' upon the heirs of entail, by which they were forbidden to grant leases for longer than the lifetime of the granters. Lockhart commented that

nothing can be more hurtfull to an estate itself as no tenant can venture to lay out their money in improving their farms when they hold you under so precarious a lease and . . . as an act of parliament is in this case proposed to be applied for, empowering the Duke to make proper settlement upon his future Duchess & children of the marriage, it would be highly expedient if it contained a clause empowering the heirs of tailzie . . . to grant leases, not under the present rent, for their lives, or throu 19 years, or for . . . [a] reasonable term of certain endurance.²⁴

Alexander Lockhart was particularly sensitive to the problems arising from such strict entails; it was at his instigation as the newly-appointed Dean, that the Faculty of Advocates had attempted to lead the unsuccessful campaign to abolish perpetuities three years earlier in 1764.²⁵ At that time he had argued that the 'pernicious consequences' of such entails, if left unchecked, would soon 'overwhelm the whole nation, and withdraw the bulk of the lands of Scotland from being the subject of commerce'.²⁶

Although the marriage settlement in general, and Lockhart's criticisms in particular, brought the disadvantages of the Buccleuch entails to the fore, the problems arising from the inability of the duke to grant sufficiently long leases had been apparent to those managing the Buccleuch estates for at least the previous decade.²⁷ Further weight was added to the argument for reform in April 1767, when the duke's chamberlain of his Melrose and Ettrick Forest estate, William Ogilvie of Hartwoodmyres, submitted his plan for the improvement of

²³ N.A.S. GD 224/324/7/3, copy of 'Opinion upon the case respecting of settlements of the estate of Buccleugh.' Alexander Lockhart, 17 March 1767.

²⁴ *Ibid.*

²⁵ See Phillipson, 'Civic Leadership', pp. 112-6.

²⁶ A. Stewart (ed.), *The Minute Book of the Faculty of Advocates* (Edinburgh, 1999), iii, p. 135.

²⁷ See above p. 34.

the estate. His 'Hints for improving the Duke of Buccleugh's Estate' outlined plans to introduce 'a sistematical method of culture' over the sheep farms of the duke's South Country estates, including enclosure, improved rotations and plantations, all of which, he argued, depended to a great extent on the ability of the duke to grant longer leases. As Ogilvie concluded

Whither the expence of executing a plan like this should be by the Duke or laid upon the tennants in place of an advance of rent upon new tacks it would be proper that the Duke were enabled by Act of Parliament to grant a tack for a number of years certain. Otherways, it is not perceived that a tennent will subject himself to the risque, care & dayly attention & trouble that is necessary and inevitable in the raising & preserving of hedges and planting, unless he shall have a prospect of being rewarded by a certainty of possession to himself or his heirs.²⁸

Although the wedding settlement was completed without the addition of Lockhart's suggested clause on leases, his view that 'it seems to be his Grace's inclination, and w[hi]ch cannot justly be found fault with to go as great lengths as he can in changing the aforesaid tailzie', was to be proved well founded.²⁹

On 16 October, Ilay Campbell, a former pupil of Adam Smith³⁰ and a future Lord Advocate, wrote to his father, the duke's legal agent, Archibald Campbell:

Mr. Smith who was with me this day has desired me on the part of the Duke of Buccleugh to make a draught of an act of Parl[iamen]t. for his Grace, to enable him to grant 19 years leases of his estate, or leases for the lives of the tenants & 19 years certain. He is in a hurry about it & wants it done immediately, that he may take it up to him & secure the consent of the heirs of entail before the Parl[iamen]t. sits. As I am totally ignorant of the Dukes settlements or business of any kind, I do not know well how to go about it, & therefore would wish as soon as possible to have your directions & advice about it, as I am to see Mr Smith again upon Tuesday [20 October], between & which time I said I would think of the affairs & talk to him.³¹

²⁸ N.A.S. GD 224/389/2/1, 'Hints for improving the Duke of Buccleugh's Estate', April 1767. [William Ogilvie]. For more details see below p. 145.

²⁹ N.A.S. GD 224/324/7/3, copy of 'Opinion upon the case respecting of settlements of the estate of Buccleugh.' Alexander Lockhart, 17 March 1767.

³⁰ Ilay Campbell of Succoth attended Smith's courses on jurisprudence and politics at the University of Glasgow in 1751. Ross, *Life of Adam Smith*, p. 133.

³¹ N.A.S. GD 224/386/11 [6], Ilay Campbell to Archibald Campbell, 16 Oct. 1767.

Four days later, Ilay wrote to his father informing him he had again met with Smith. By his instructions, he was to carry with him to Dalkeith that Thursday a draft of the proposed act and of the letters of consent that were to be sent out to the other heirs to obtain their permission to change the conditions of the entail.³² On 29 October Archibald Campbell wrote to Smith on the estate reforms in the letter quoted above, indicating Smith's further involvement in the discussions.³³

During November, a 'Case of the Settlements and entails of the Buccleugh Family and about an Act of Parliament for setting leases' was drawn up. After outlining the detail of the Buccleuch entails and stating the case for their reform, it continued:

the Duke is determined to try an application to Parliament this ensowing session for an enlargement of these powers in such a manner as he can best obtain them, he would wish it to be for three lives of the lessees or for twenty one years certain and the life of the lessee in possession at the expiry of that term, with a power also to excamb at the sight of the Court of Session or Judge Ordinary at least to a certain extent where necessary.³⁴

A list of queries followed, mostly concerned with the problem of gaining the consent of all the other heirs of entail, which were to be answered before a draft act could be sent to London.³⁵ This was forwarded to Ilay Campbell and James Montgomery, the Lord Advocate, who was to act as 'manager of the bill' in Parliament for the duke, for their final consultation.³⁶ They replied in an 'Opinion upon the case of His Grace the Duke of Buccleugh concerning the Act proposed for enabling his Grace to set Leases', which concluded, 'We have seen a draught of the Act of Parliament proposed and of the Deed of

³² *Ibid.*, [4], Ilay Campbell to Archibald Campbell, 20 Oct. 1767.

³³ N.A.S. GD 224/389/2/20, Archibald Campbell to Adam Smith [draft], 29 Oct. 1767.

³⁴ N.A.S. GD 224/386/11 [7], 'Case of the Settlements and Entails of the Buccleugh Family and about an Act of Parliament for setting leases.' Nov. 1767. [Author unknown, but with some additions by Archibald Campbell]. The power to 'excamb' or exchange pieces of land of equal value between two proprietors was extremely important in the rationalisation of estate boundaries, where different landowners' holdings were often intermingled.

³⁵ This was to be a formidable task as it was believed that one branch of the family alone, the descendants of Jean Countess of Tweeddale, Earl Francis's sister, consisted of 64 living heirs, including four living in Portugal, Gibraltar, Holland and the East Indies. *Ibid.*

³⁶ N.A.S. GD 224/268/13, John Craigie's accounts and vouchers, 19 Sept. 1767 to 13 Sept. 1768, Legal Affairs.

Consent meant to be got from the heirs of entail, and approve of both'.³⁷ Like Lockhart, Montgomery also had links to the earlier attempt to reform the law of entail. As Solicitor General he had chaired the meeting of the Faculty of Advocates of 2 March 1765 that had voted to transmit the draft entail bill to the counties for consultation.³⁸

On 12 December Archibald Campbell wrote to Kenneth Mackenzie informing him that a 'great number' of consents had been obtained of the heirs of entail living in and about Edinburgh and East Lothian. He and John Craigie had also again visited the charter room at Dalkeith House to gather documents that might be needed in London 'in the passing of the act'.³⁹ In his reply of 17 December, Mackenzie wrote from London lamenting the proposed act's lack of progress. This was due mainly to the fact that doubt remained as to how far Parliament would grant relief from the entail, particularly in granting the power of 'excambion or exchange' of land, which Mackenzie reported was 'contrary to the standing orders of the House of Lords'. He concluded, 'I hope in a few days to be able to inform you further, when the Duke shall have conversed on this head with the Law Lords & others of business.'⁴⁰ A month later, on 16 January 1768, he wrote again confirming his earlier doubts and informing Ilay Campbell of a crucial change of approach to the entail reform:

His Grace's intended application to Parliament is postponed for this session in consequence of a conversation with some of the Law Lords, who advise a general application from as many owners of entailed estates as are interested in the power of granting leases. In such event there will be a general relief given, but confined to leases only, two, or three nineteen years, as may be thought proper, without any general power of alienating or exchanging: but all money expended on improvements, and the rents ariseing from such improvements, shall become the private property, and in the gift and disposition of the heir of entail, who in this manner measures the rent of his estate for the benefit of younger children or creditors. If Sir Alexander Dick thinks well of a Bill of this nature, the Duke of Buccleugh will concurr, and I beg to have your opinion on the subject, after conversing with Sir Alexander and such others as may be interested. If none of these gentlemen join, His Grace is advised to buy the sense of Parliament by himself, for a

³⁷ N.A.S. GD 224/386/11 [17].

³⁸ Stewart (ed.), *Minute Book*, p. xxxiii n.

³⁹ N.A.S. GD 224/930/16 [individual documents not numbered], Archibald Campbell to Kenneth Mackenzie, 12 Dec. 1767.

⁴⁰ N.A.S. GD 224/386/11 [10], Kenneth Mackenzie to Archibald Campbell, 17 Dec. 1767.

publick Bill, and in a Bill of this nature, the consents of the substitute heirs of entail will not be necessary.⁴¹

By August 1768, James Montgomery, the Lord Advocate, who had advised the duke on the drafting of his private bill, had drafted a new, general act, two copies of which were made for Buccleuch's personal use.⁴² It appears that Sir Alexander Dick of Prestonfield 'and such others' were indeed interested in pursuing a joint campaign for a general reform of the entail law; during 1769 a series of meetings was held in Edinburgh convened by Sir Alexander to discuss the proposed act.⁴³ However, as late as December 1769, the duke seems to have been waiting to see whether the final draft of the general act would suit his purposes before committing himself to its support. Writing to Sir Alexander, Archibald Campbell indicated that, while he had had no express instructions from the duke to 'meet with or concur in the plan projected by the other Gentlemen relative to the Entail bill', he asked that he be allowed to take a copy of the latest draft of the Lord Advocate's bill for the duke's use.⁴⁴ In January 1770 a copy of the draft bill together with the observations of the Committee of Gentlemen at Edinburgh were sent to the duke.⁴⁵ Evidence suggests that the duke did however provide financial backing to Sir Alexander's committee. On 23 August 1770 Buccleuch paid 100 guineas to Sir Alexander Dick in his capacity as president of the committee, 'in full of my proportion of all expence in obtaining or previous to obtaining of the said bill'.⁴⁶

The Entail Act of 1770 has been seen as the legislature's response to 'prolonged agitation on the part of the landed class', a class which continued to value the security of

⁴¹ *Ibid.*, [11], Kenneth Mackenzie to Ilay Campbell, 16 Jan. 1768.

⁴² N.A.S. GD 224/268/13 John Craigie's accounts and vouchers, 19th September 1767 – 13th September 1768; Legal Affairs. The two copies of the early draft of the Entail act (the second being a fair copy of the first) are in the Buccleuch Muniments - N.A.S. GD 224/85/11/1 Draft Act of Parliament to enlarge the powers of Leasing on the Heirs of Entailed Estates in Scotland. Comp'd A[rchibald] C[ampbell], 1768., N.A.S. GD 224/85/11/2 Draft Act of Parliament to Enlarge the powers of Leasing in the Heirs of Entailed Estates in Scotland, 1768.

⁴³ *The Caledonian Mercury*, number 7393. Edinburgh, Saturday, December 9, 1769.

⁴⁴ N.A.S. GD 224/930/16, Archibald Campbell to Sir Alexander Dick [draft], 19 Dec. 1769.

⁴⁵ *Ibid.*, Archibald Campbell to Kenneth Mackenzie [draft], 8 Jan 1770.

⁴⁶ N.A.S. GD 224/273/2, 'Letter authorising payment to Sir Alexander Dick, pres. of Committee of Gentlemen in Edinburgh.' 23 August 1770.

such perpetuities, but which increasingly regarded the associated restrictions as impeding their attempts to improve and commercialise their holdings.⁴⁷ While more research is needed into the details of the drafting process, from the evidence presented here, it seems plausible to suggest that duke's attempt to obtain a private act may have acted as an important catalyst in the passing of the general Entail Act. One of the reasons cited by contemporaries for the failure of the earlier attempt to abolish entail had been the opposition of the greater landowners,⁴⁸ and as one of the most important and influential nobles in Scotland, Buccleuch's backing for the Act would have carried significant weight. A further point arising from the duke's involvement in the passing of the Entail Act concerns the significance of the legislation itself in promoting agricultural improvement. Although earlier historians regarded the Act as an important catalyst to improvement,⁴⁹ more recent analysis has been more sceptical of its effects. While still regarding it as an important indication of the continuing dominance of the Scottish landowning classes, the effectiveness of the Act in facilitating significant improvements has been called into question. R. H. Campbell, for example, argues that the act was 'hedged by so many restrictions that it is unlikely to have been as effective as historians have suggested',⁵⁰ while T. M. Devine notes that 'the legislation granted only limited freedom as the restrictions were considerable'.⁵¹ Both Campbell and Devine, however, comment only on the Act's provision to enable proprietors to burden their estate with a proportion of the expense of improvement, a clause

⁴⁷ N. T. Phillipson, 'Public Opinion and the Union in the Age of the Association', in Phillipson and Mitchison (eds.), *Scotland in the Age of Improvement* (1970), p. 141. See also P. Hume Brown, *History of Scotland, Vol. III* (Cambridge, 1911), p. 275; and Phillipson, 'Civic Leadership', pp. 113-8.

⁴⁸ *Ibid.*, p. 117; See also, Patrick McDowall to Archibald Edmonstone, esquire of Duntreath. 3 Aug. 1765. 'there is a scheme on foot in this kingdom (said to be supported by Lord Mansfield) for every shire to petition the Parliament against tailzies . . . What the success of the affair will prove a short time will discover. In the meantime it's thought most of the great people will oppose it.' Manuscripts of Sir Archibald Edmonstone of Duntreath in *Report on Manuscripts in various collections. Vol V.* Historical Manuscripts Commission (1909), p. 179. I am indebted to David Brown of the National Archives of Scotland for this reference.

⁴⁹ See for example, Hume Brown, *History of Scotland*, p. 275.

⁵⁰ R. H. Campbell, 'The Landed Classes', p. 92.

⁵¹ Devine, *Transformation of Rural Scotland*, p. 64.

that was indeed hedged with many restrictions.⁵² As has been discussed above, however, the motivation behind the duke's attempt to reform his entail was primarily to enable him to grant longer leases, and to exchange or 'excamb' pieces of land intermixed with the entailed estate. Indeed, part of the reason for the duke's caution in backing the Committee of Gentlemen and the general Act was, as Archibald Campbell explained to Sir Alexander Dick, that 'leasing [was] his Graces principall & indeed I believe only object'.⁵³ The ability to grant long improving leases was seen as essential for the security of tenants and the indemnity provided by an assured period of possession, as a fundamental incentive for them to improve.⁵⁴ For estates such as the duke of Buccleuch's entailed with such restrictive letting clauses, the relief from this aspect of entail contained in the Act was of fundamental importance to the ability of proprietors to promote improvement. Moreover, the Act also stipulated that a condition of setting these longer leases was a requirement that the tenant enclose his land, meaning that to take advantage of these extended tacks, proprietors would be required to ensure their tenants enclosed.⁵⁵ The extent to which an improving letting policy was believed to be dependent upon entail relief can be seen in the examination of the second aspect of duke's reforms: the attempt to re-set the entire estate.

⁵² The act stated 'That every proprietor of an entailed estate who lays out money in inclosing, planting, or draining, or in erecting farm-houses and offices or out-buildings for the same, for the improvement of his lands and heritages, shall be a creditor to succeeding heirs of entail for three-fourth parts of the money laid out in making the said improvements.' 'An Act to Encourage the Improvement of Lands . . . held under the settlements of strict entail.' 10 Geo. III, Cap. 51.

⁵³ N.A.S. GD 224/930/16 [individual letters not numbered] Archibald Campbell to Sir Alexander Dick [draft], 19 Dec. 1769.

⁵⁴ For the importance of long, improving leases, see Devine, *Transformation of Rural Scotland*, pp. 60, 71.

⁵⁵ Tenants given leases for two lives were to be required to enclose all their lands within thirty years, two-thirds within twenty years, and one-third in ten years. Leases for nineteen years had to contain a clause stipulating the enclosure of one-third of the land during the first third of the lease, two-thirds by the expiry of two-thirds of the lease, and all the land by the lease's expiry. In both cases, fences were to be maintained and left in good condition at the end of the lease, and enclosures were to be of a maximum of forty acres. Hill land or 'other grounds, incapable or improper by their nature for culture for the plough' were excepted, in which case enclosures should be made 'of such extent as the nature of the ground shall require.' 'An Act to Encourage the Improvement of Lands . . . held under the settlements of strict entail.' 10 Geo. III, Cap. 51.

II. The general set of the estates

As has been discussed above, prior to a Judicial Act of the Lords of Council and Session of 9 March 1757, the Buccleuch estates had been generally set annually due to the restrictions of the Buccleuch entail. Following this Act, the duke had been enabled to set leases up until one year into his majority, meaning that the tacks issued by the authority of this act would expire together at Whitsunday 1768.⁵⁶ As I. H. Adams has noted, the simultaneous expiry of leases was seen as an important prerequisite for the introduction of comprehensive estate reforms. This was not only in order to facilitate the initial re-planning of an estate, which often involved the amalgamation of farms and the redrawing of boundaries into what were considered more productive units; it also ensured that the new leases granted would also expire at the same time, easing the way for further co-ordinated reforms at a future date.⁵⁷ On 20 October 1767, the same day that Smith met with Ilay Campbell for the second time regarding the reform of the Buccleuch entail, an advertisement in the *Edinburgh Advertiser* announced the general 're-setting' of the duke's entire Scottish estates. The advertisement stated that as the leases upon the various Buccleuch estates generally expired the following Whitsunday, offers were invited from either the present possessors 'or others', for any of the farms, and for the rights to the 'coal and limestone in any of them'. The advertisement continued,

Let the proposals specify the rent offered for a lease to subsist in the different views that may occur to the proposers.

Let them also specify what improvements they would propose to make themselves during their lease on the land estate; or, supposing the Duke to be at the expence of such improvements, what additional rent they will offer on that account.⁵⁸

⁵⁶ See above p. 34.

⁵⁷ Adams, 'Agents of Agricultural Change', p. 165.

⁵⁸ *Edinburgh Advertiser*, October 20 1767. The advertisement was repeated on 27 October, 3 November, 10 November, and also appeared three times in the *Newcastle Chronicle*, dates unknown. N.A.S. GD 224/268/13 John Craigie's accounts and vouchers, 19th September 1767 – 13th September 1768; Accounts and Vouchers from Alexander McMillan.

While the advertisement of farms by way of the press had become increasingly common from the mid-eighteenth century, as a means by which landowners attempted to attract skilled, 'improving' tenants from outwith their locality,⁵⁹ two aspects mark out the advertisement of the Buccleuch estates. The first is the sheer scale of the proposed set. T. M. Devine's analysis of advertisements from the *Edinburgh Evening Courant* for 1755 found a total of sixty-three farms advertised for leasing over the course of the year.⁶⁰ The Buccleuch estates at this time consisted of 439 farms with an annual rental of £19,074.⁶¹ The second unusual aspect is the way in which the advertisement places the onus firmly upon the prospective tenant to outline both the length of lease and the nature of improvements intended to be made upon the farms. A draft copy of the advertisement in Archibald Campbell's hand survives,⁶² and his authorship is confirmed by the claim of 2 shillings in his accounts with the duke for 'framing the advertisement for the said setts and about the coal'.⁶³ A further entry in Campbell's accounts for that year, however, indicates that Adam Smith was also involved in the process of drafting the advertisement. A payment of six pence is listed 'to a cadie who went in search of Mr. Smith wanted to concert the terms of s[ai]d. advertisements.'⁶⁴ The significance of Smith's involvement in the duke's initial improvement strategy shall be discussed in the final chapter of this thesis. The attempt to implement the general set of the estates during the period 1767 – 1769 will be now be examined.

By 21 December William Ogilvie, now acting as sole chamberlain of the South Country estates, had received thirty-three proposals, only fourteen of which were from

⁵⁹ Devine, *Transformation of Rural Scotland*, p. 21.

⁶⁰ *Ibid.*, p. 31.

⁶¹ N.A.S. GD 224/83/6/1, Concerning the reorganisation of the duke's chamberlains. March 7, March 21, April 23 1764. Shows 904 tenants divided between the five chamberlains of the South Country estates. N.A.S. GD 224/284/23, Rentals on Buccleugh estates 1751-1767. N.A.S. GD 224/285/5 Rental of his Grace Henry Duke of Buccleugh . . . Whitsunday 1766 to Whitsunday 1767.

⁶² N.A.S. GD 224/389/2/19, Draft advertisement [Archibald Campbell] Oct. 1767.

⁶³ N.A.S. GD 224/268/13, John Craigie's accounts and vouchers, 19th September 1767 – 13th September 1768: Legal Affairs: Account His Grace Duke of Buccleugh to Archb. Campbell writer to the signet from 13th September 1767 to 13th September 1768: Under the heading 'New management after his Graces majority Setts of land etc.'

⁶⁴ *Ibid.*

present tenants.⁶⁵ After listing the proposals in his report to the other commissioners Ogilvie commented 'they are but few and mostly [from] strangers, according to his opinion, there are not likely to be many compared to the number in the Duke's Estates in the present situation of things'. He continued, reporting that the opinion in the country was 'that strangers by making offers will only injure the present tenants without aiding themselves, and the present tenants seem to rely upon the general proposal mentioned in their joint petition given in to his Grace at Dalkeith in October and November last, so that they lye off waiting the Issue of the Duke's Resolution thereupon'.⁶⁶ Ogilvie concluded his report by outlining what he saw as the two options for the setting of the estates:

Hence it would seem that the Duke in the set of his estates had but two methods to proceed by - either to make a tender to the present tenants of their respective possessions, at such a rent, and upon such conditions as his Grace will accept of and they will give, which is on the footing of their general proposal, or, rejecting their proposal, intimate a general set of the whole estates at certain fix'd days, and then take the best offer. The first mentioned method will likely procure the most equitable rental the latter the highest one.⁶⁷

Although no record remains of the details of the 'general proposal' given in by the tenants of the various estates referred to by Ogilvie, a 'List of proposals for leases of Duke of Buccleugh' dating from November 1767 notes a 'general petition' from the tenants upon the estates of Teviotdale & Forrest 'praying the rises in rent may be moderate and paid on with equality'. It also notes that the duke had received a similar petition from the tenants of Eskdale and Liddesdale.⁶⁸ On 23 December, Ogilvie met with the other commissioners: John Craigie, Alexander Farquharson, and Archibald Campbell. A memorandum of their meeting records that after Ogilvie's report had been read over, the commissioners unanimously agreed that 'Mr Ogilvie signify to the present tenants not to rely upon any answer to their

⁶⁵ N.A.S. GD 224/459 pp. 21-28, Abstracts of the proposals and offers for farms of the Duke of Buccleugh's estates at the 4th January 1768. Although the advertisement invited bids for all of the duke's estates, no proposals have been found for the Dalkeith estate, which was administered separately from the 'South Country' estates.

⁶⁶ *Ibid.*, p. 29.

⁶⁷ *Ibid.*

⁶⁸ N.A.S. GD 224/389/2/21, List of proposals for leases of Duke of Buccleugh Nov. 1767.

general petition given in to the duke in October last, but it is expected that each tenant will make his own proposal, otherwise, it will be understood that he means to relinquish his possession and that offers from strangers will accordingly be accepted of.’⁶⁹

This clarification of the duke’s new letting policy seems to have quickly taken effect. On 12 January Ogilvie reported to Campbell that proposals were now ‘coming fast upon us . . . I can hardly get any thing done for people coming in, and for these two weeks past [I have] done nothing but by snatches, yet you would wonder how few they are in proportion to the whole. In whole I have not many above a hundred.’⁷⁰ By the end of the month Ogilvie had received 153 proposals concerning 203 properties. Of these just under 48% were from tenants currently in possession of the farms for which they were offering. Overall, the proposals offered a total rental of £9496.14.6 7/12 compared with the present rental for these properties of £7411.15.11 9/12 – an increase of £2084.18.6 10/12 or just over 28%.⁷¹ Whereas other studies have indicated that attracting new tenants could often prove problematic for a landlord, the evidence from these proposals, with over half coming from ‘strangers’, and with large advances on the current rental being offered, indicates a strong demand and keen competition for farms at this time.⁷²

With news by mid-January that the duke’s entail legislation would now be postponed until the next session of Parliament, thus preventing the possibility of granting long leases at the general set, plans began to be made for a single year’s set of the estates. On 4 February Ogilvie wrote to Buccleuch informing him that John Craigie would be writing to him ‘concerning our opinions here of settling matters with the tenants for the ensuing year,

⁶⁹ N.A.S. GD 224/459 p. 29, Abstracts of the proposals and offers for farms of the Duke of Buccleugh’s estates at the 4th January 1768.

⁷⁰ N.A.S. GD 224/389/2/7, William Ogilvie to Archibald Campbell, 12 January 1768.

⁷¹ N.A.S. GD 224/459 p. 48, Abstracts of the proposals and offers for farms of the Duke of Buccleugh’s estates at the 4th January 1768.

⁷² See for example Hew Blair-Imrie’s study of agricultural improvement in Angus during this period. Here he argues that the market for tenant farmers was extremely fragile, and thus ‘landlords were in no position to dictate draconian terms in their tacks or force their tenants into expensive and dangerous experiments in farm improvements’. Blair-Imrie, *Land Ownership and the Commercialisation of Agriculture*, pp. 168-9.

as indeed matters are not ripe for a sett upon leases to take place at next Whit Sunday'.⁷³ A meeting of John Craigie, Archibald Campbell and William Ogilvie to discuss the set of the estates took place on 2 March.⁷⁴ Ogilvie reported that the duke had written to him signifying that 'the present tenants should be continued in their respective possessions for one year after Whitsunday next', and that 'the best plan to be concerted and settled for that effect'. While the committee unanimously agreed 'that the measure proposed by his Grace is the most proper in the present situation of his affairs', they admitted as to being unsure as to how exactly the duke meant it to be implemented: whether 'advances should be extracted from the tenants for the ensuing years possession, and to what extent, or . . . that they should be continued on the conditions of the present leases'.

In the first case, it will be necessary, that tenants be convoked in the usual manner at a land setting. If the latter be his Grace's intention, it may be sufficient, that Mr Ogilvie, by virtue of the Duke's orders intimate his Grace's pleasure without convening the tenants. In either case, it will be proper, that the tenants be cautioned to use their possessions with discretion, that they maintain and preserve such fences and inclosures, as may be upon their farms, that they keep their houses in repair wind and water tight, that they in no manner abuse their possessions by overcropping or breaking up their pasture grounds and that these be inforced with a certification, that such as shall offend in any of these particulars, will be dismissed from their farms at a new sett.

This 'certification' it was agreed, should be effective in preventing 'future abuses' upon the estates. The commissioners decided that deliberation over the method of carrying out the set would be delayed until the duke's intentions were known, and Ogilvie was instructed to write to Buccleuch asking him to clarify the above points, in particular whether an advance of the rents was to be extracted.⁷⁵ Ogilvie complied, writing to the duke six days later. Along with an account of the above meeting, he again warned of the fears of the tenantry since the announcement of the general set, and again intimated the difference between the highest and

⁷³ N.A.S. GD 224/91/2 pp. 2-3, William Ogilvie to Duke of Buccleuch, 4 February 1768.

⁷⁴ *Ibid.*, pp. 1-2 Memorial Concerning the Sett of the Duke of Buccleugh's Estates for the year 1768. Edinburgh, 2 March 1768.

⁷⁵ *Ibid.*

the most equitable rent: a theme that was to reoccur in estate correspondence throughout the duke's administration.

As my duty and inclination lead me to give your Grace the best information I can, I therefore presume to observe upon this subject, that the anxious fears and apprehensions of your present tenants, and the eagerness of strangers to become of the number affords to your Grace an occasion of putting what rent you please almost upon your estates, so that there seems more need of moderating the present ferment of the country than to encourage it, tho' at the same time, it is fitt to give it some countenance in order to make the proper use of it, I am inclined to think that a medium between the present rents and the highest offers taken completely might be nearest to the right standard, but to arrange this so as to bring particulars nearer to a proportional equality, would require more consideration than time will admit of, for transacting the next year's sett, so that I mean only to apply this observation to a sett upon leases.⁷⁶

For the current, single year set, Ogilvie advised that if the duke was inclined to have advances upon the rental he should raise them universally 'by a certain percent'. He also noted that he considered that several farms were currently already let at too a high a rent. In this category, he specified particularly those properties having been set at public auction, where 'the heat of such occasions makes people forget themselves and go too far', or those properties that had been purchased during the duke's minority and whose rent levels were inherited.⁷⁷ In doing so, Ogilvie gave the duke an indication of the problems that might occur if the 'ferment of the country' was encouraged and the highest rents sought. In a second letter to the duke, written sometime in March, Ogilvie informed him that he was in the process of collecting the rental. 'In the general I may advise your Grace that the tenants will pay all up, as those I have already met with have done, so that I expect there will be little or no arrears beside what may lye on the articles of teinds and few duties, which commonly are never so pointedly paid up'.⁷⁸

On 15 April a second advertisement appeared in the *Edinburgh Advertiser*, announcing that due to 'reasons of some inavoidable obstructions' the intended leases could not now take place at Whitsunday. Those who had given in proposals were advised that they

⁷⁶ N.A.S. GD 224/91/2 pp 4-5, William Ogilvie to Duke of Buccleuch, 8 March 1768.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*, pp. 6-8, William Ogilvie to Duke of Buccleuch, n.d. [March] 1768.

were 'at their liberty to abide by their proposals, or not, as they think fit', and that once the 'obstructions' to implementing the leases were removed notice would be given in the public papers.⁷⁹ The same day, Ogilvie wrote to the duke asking for greater clarification over the forthcoming landsetting. 'If any of the tenants refuse to give an advance where it is thought just and reasonable whether in that case they should be removed directly or, would your Grace not incline to punish their obstinacy so near the term, and only certify that they shall be removed at Whitsunday 1769 for obstinate persons there may be, and it would be unfit to proceed to either of these alternatives, that possibly your Grace might disapprove of',⁸⁰ On 28 April, an entry in the duke's accounts show that another meeting of the commissioners took place in a tavern in Edinburgh. John Craigie, Alexander McMillan, William Ogilvie, Alexander Farquharson, and John Alves, chamberlain of the Dalkeith estate, were noted as 'talking over and concerting the plan of the new setts of the estate before Mr Craigie went south'.⁸¹ On 11 May the South Country estates were successfully set by Ogilvie,⁸² and the following day the tenants of the Dalkeith estate convened at Dalkeith House to do likewise.

The memorandum of the meeting noted:

The tenants being called, Mr. Ogilvie represented, that he had not yet received the Duke's instructions for letting the farms on the Estate of Dalkeith. That his Grace was not in condition to enter in to leases, but Mr. Craigie believed was inclinable to continue the present possessions for another year upon the same terms as had been done on the South Country Estate viz. a reasonable rise of rent, and subject to such restrictions in labouring as should be judged proper for preserving the same in good order. That His Grace being soon expected in Scotland, if the tenants were willing to take their hazard of bargaining with him when he arrives, Mr. Craigie would for the present supercede insisting in the removing.⁸³

⁷⁹ *Edinburgh Advertiser*, 15 April 1768.

⁸⁰ N.A.S. GD 224/91/2 pp 8-10, William Ogilvie to Duke of Buccleuch, 15 April 1768.

⁸¹ N.A.S. GD 224/268/13, John Craigie's accounts and vouchers, 19th September 1767 – 13th September 1768: Legal Affairs: Account His Grace Duke of Buccleugh to Archb. Campbell writer to the signet from 13th September 1767 to 13th September 1768: Under the heading 'New management after his Graces majority Setts of land etc.'

⁸² N.A.S. GD 224/91/2 pp. 10-13, William Ogilvie to Duke of Buccleuch, 14 May 1768.

⁸³ N.A.S. GD 224/459 p. 12, Memorandum, Dalkeith House, 12 May 1768.

The memorandum concluded by stating that the 'tenants agree to take their hazard bargaining with the Duke when he arrives'. On 14 May Ogilvie wrote to the duke indicating that the land setting had been a success, concluding, 'we endeavoured to execute your Grace's intention to the best of our understanding in the views of your interest and the quiet of the country, the latter I think is attained, but how far the former may be equal to your Grace's expectation, I dare not so much as presume'.⁸⁴

Although Buccleuch had earlier indicated that he hoped to be back in Scotland that spring, there is no record of his return until September 1768.⁸⁵ On the 14th of that month the duke issued a memorandum authorising John Alves, the chamberlain of the Dalkeith estate, to convene his tenants and settle them for another annual set at the same rental as the previous year. This settlement was to be accompanied by a brief 'general plan of management' with crop and fertilising stipulations that the tenants would be required to follow; the duke reserving the right to prosecute any of them for damages if they should deviate from it. These stipulations on land use were essentially to ensure that tenants would not over-crop the land or break up fallow ground for short-term gain that would exhaust the soil to the detriment of the long-term fertility of the farm.⁸⁶ Alves was also empowered to alter the plan of management in certain cases at the desire of the tenants, 'provided you shall be satisfied that such alteration can be no hurt to the Estate'. Ten days later, at Langholm Castle, Buccleuch issued 'Rules of Possession for the tenants', addressed 'Unto the tenants on his estates in the counties of Dumfries, Roxburgh, Selkirk, and Peebles'.⁸⁷ The document is the first clear statement of the duke's general management policy and was later printed, with 1200 copies being distributed throughout his South Country Estates.⁸⁸ The document begins by stating that a great number of petitions had been presented to the duke, variously

⁸⁴ N.A.S. GD 224/91/2, pp. 10-13. William Ogilvie to Duke of Buccleuch, 14 May 1768.

⁸⁵ *Ibid.*, pp. 6-8. William Ogilvie to Duke of Buccleuch, March 1768. A memorandum of 14 September 1768 shows the duke to be at Dalkeith House, N.A.S. GD 224/459 p. 13, Memorandum of Duke of Buccleugh to John Alves, my chamberlain on the Estate of Dalkeith. 14 Sept. 1768.

⁸⁶ *Ibid.*

⁸⁷ N.A.S. GD 224/389/2/24, Rules of Possession for the tenants. [Printed Document] 24 Sept. 1768.

⁸⁸ N.A.S. GD 224/257/1, William Ogilvie's Account of Charge and Discharge, 1767.

requesting the abatement of rents; for tenants to be continued in their present possessions; for tenants to be indemnified for expenses incurred in building and repairing their houses, making enclosures and other improvements; and for money to be advanced for further improvements and repairs proposed to be made. In answer to these requests, the statement declared that in the present circumstances, the duke saw no cause for abatements. Furthermore, no more money would be advanced for repairs and improvements either already made or proposed, and that 'this circumstance will therefore be attended to in all proposals that may hereafter be offered for granting leases upon plans of improvement'. The statement continued:

But, in order to quiet the minds of my present tenants, from fear of the consequences of invidious offers, I desire it be made known, that while they use their possessions well, and duly pay up their rents, they may depend upon my favour and protection, which, in a more special manner, will be extended to such as have made, or shall hereafter make improvements, by building, inclosing, or otherways cultivating their possessions; it being my will and intention, that my tenants so improving be continued in their possessions, upon reasonable terms, for such a period of years as may be sufficient to indemnify them, not only of the expences incurred, but also to reward their industry for improving and cultivating, according to the worth and extent thereof; reserving nevertheless my free power and exercise at all times, of letting my estates to such persons upon such conditions, and for such a term of years as I shall see cause . . .

The document continued, that in order to further encourage his tenants 'to begin and go on towards the improvement of my estates', it was proclaimed as a rule that if any tenant 'so improving' were to be removed or dispossessed 'from any cause whatsoever' before they had been indemnified by the length of their possession, the succeeding tenant would be obliged to compensate them to an amount decided by mutually chosen arbiters. As 'a further inducement to inclosing' it was stipulated that the expense of erecting and maintaining fences between the boundaries of two farms would be shared equally between the two tenants. These inducements to improve were followed by a warning:

As it is my intention to encourage the industrious only, the indolent and slothful tenant can expect no indulgence, whatever length of time he, or his ancestors, may have been in possession: and all such as shall abuse their farms, by breaking up their pasture lands, or otherways deteriorating their

possessions, will have themselves to blame, if they are furthwith turned out for such abusive practices.⁸⁹

The duke's proclamation of September 1768 is significant in several respects. Firstly, it represented a clarification of the letting policy that had been outlined in the newspaper advertisements and by the memoranda of Buccleuch's chamberlains. As such, it also suggests an important modification of that original policy, partly in response to the disquiet caused by the announcement of the general set of the estates, and the fear of dispossession by 'strangers' that Ogilvie had noted on several occasions. Although leases were still to be granted upon proposals of improvement and previous length of possession was stated as being of no guarantee to the tenant's continuation, the proclamation did stipulate that the duke's current tenants would be secure in their possessions so long as they 'used their possessions well' and paid their rent. In other words, there would be no set determined solely by the auction of farms to the highest bidder. Secondly, the proclamation also serves as an important announcement of intent. Priority was to be given to the improvement of the estates, and management policies would be directed towards this goal, with building and enclosure being specified as suitable means of improvement. Furthermore, tenants were to be indemnified - not only by the granting of sufficiently long leases to reimburse them for the cost of the improvements made and as a 'reward' for their 'industry for improving and cultivating' - but also in the guarantee that they will be compensated for the worth of their improvements in the event of their dispossession. Finally, the proclamation served as a practical incentive for the duke's tenantry to 'begin and go on towards the improvement' of the estates. The practical effects of the proclamation, both positive and negative, were soon to become apparent. John Church, the duke's overseer of improvements,

⁸⁹ N.A.S. GD 224/389/2/24, Rules of Possession for the tenants. [Printed Document] 24 Sept. 1768. The proclamation ended with two further stipulations: 'all trafficking with farms, by buying and selling of stocks on a premium, exchanging of possessions, and the like, are hereby discharged, declaring, that no regard will be paid to such clandestine bargains. Lastly, all claims to possession, founded upon alledged promises and sederunts, made, or pretended to have been made by the commissioners of the late Duke of Buccleugh, and Earl of Dalkeith, are hereby declared void, the claiments notwithstanding being intitled to the benefit of possession according to the rules herein above-mentioned and in no other ways.'

wrote to Buccleuch in February 1769 indicating that some of the tenants in the estate of Canonbie were beginning to erect superfluous buildings which they hoped, in the light of his proclamation, would be considered as improvements, and thereby earn the duke's favour when the new set of the farms occurred.⁹⁰ By June, however, William Ogilvie could report that on the strength of the duke's declaration many of the tenants had begun not only to build at their own expense, but 'are also proceeding to inclose and cultivate their farms in a manner hitherto unpractised'. He added that, 'there seems no cause to doubt that so laudable an example will produce the wished for effect upon others'.⁹¹

Despite the ongoing delays of the entail legislation, preparations continued to enable the duke's commissioners to implement the new general set. By early March 1769 the legal groundwork was underway to serve processes of removing against all the duke's tenants so, as one chamberlain noted, 'that every thing may be finally settled at one time'.⁹² By Scots law, tenants who were liable to be dispossessed had to be given a notice of removal at least forty days before the term of Whitsunday, a condition that applied even if the lease was due to expire.⁹³ In accordance to this, the processes were to be issued to both new and old tenants. Care was also to be taken that once the duke had come to 'a resolution as to the settlement' that early notice would be given to the tenants, so that 'such of them who may incline to remove may have no reason to complain of being kept in suspense and prevented from looking out for other farms'.⁹⁴ By the end of the month, however, it was clear that another annual set was to take place, it being reported that 'it seems to be his Grace's intention that the farms should be lett for one year to the present tenants at the same rent as

⁹⁰ N.A.S. GD 224/91/2 p. 48, John Church to Duke of Buccleuch, 6 Feb. 1769.

⁹¹ N.A.S. GD 224/459 p. 61. Memorial concerning the repairs of tenant's houses and management of woods over the Duke of Buccleugh's estates with hints to a plan for future regulation of both. [William Ogilvie], June 1769.

⁹² N.A.S. GD 224/91/2 pp. 61-63, John Alves to Kenneth Mackenzie, 9 March 1769.

⁹³ By a 1555 Act of the Scottish Parliament, later modified by an Act of Sederunt of 1756 passed by the Court of Session. See Devine, *Transformation of Rural Scotland*, pp. 113-4.

⁹⁴ N.A.S. GD 224/91/2 pp. 61-63, John Alves to Kenneth Mackenzie, 9 March 1769.

last year'.⁹⁵ This was indeed to be the case; the first long, 'improving' tacks were not set until November 1771, the year after the Entail Act was passed.⁹⁶ Furthermore, the re-setting of rest of the Buccleuch estates were to progress in stages over the next decade, with the granting of leases to the majority of the duke's farms not occurring until 1778.⁹⁷

III. Estate personnel and land management policy

In the first three years of the duke's personal administration, the administrative structure of the estate underwent a number of significant changes. In November 1767, during the duke's initial visit to his estates, William Ogilvie of Hartwoodmyres was appointed as sole-chamberlain for the whole of the South Country estates, replacing the previous five positions.⁹⁸ As has been outlined in chapter 1, this was the culmination of a process of reform dating back to the duke's minority and proposals by John Craigie and the Scottish commissioners in 1761. The amalgamation of the chamberlains' positions into a single post, however, was more radical than the final proposal made by the commissioners that had recommended that the five positions be reduced to three.⁹⁹ The change also had consequences elsewhere in the administration, where the 'conjunct' positions of accountants and legal agents that had been introduced during the minority administration were abolished, as the sole-chamberlain took on accounting and legal responsibilities in relation to the landsettings and other 'country affairs'. William Laing, the chamberlain for the Ettrick Forest and Eckford estates, who had also acted as a second accountant dealing with the landsettings and the drawing up of rentals, was removed from his post along with his chamberlain's position in November 1767. The second accountant, Francis Farquharson, had

⁹⁵ *Ibid.*, pp. 63-65.

⁹⁶ N.A.S. GD 224/114/6/10-19 Various Dalkeith estate tacks, 1771.

⁹⁷ See chapters 4 and 5 below. The Canonbie and Eckford estates were set in 1773 and 1775 respectively.

⁹⁸ N.A.S. GD 224/527/1, William Ogilvie's Accounts 1767.

⁹⁹ See above, p. 51. The position of a single chamberlain for the Dalkeith estate remained unaltered, with John Alves continuing in the post until 1799 when he was replaced by William Tait. N.A.S. GD 224/658/1, William Tait's correspondence, 1799, 1803, 1806-12; N.A.S. GD 224/731/1, John Alves Dalkeith Chamberlain, Estimate and Rentals, 1760-1799.

died earlier in 1767, and was replaced by his nephew, Alexander Farquharson, who now acted as sole accountant for the duke.¹⁰⁰ Archibald Campbell of Succouth, the duke's joint legal agent since 1754, replaced John Craigie of Kilgraston as Commissioner and Cashier to the duke in September 1768, a position he held until September 1770 when he was appointed as one of the principal clerks to the Court of Session, and was replaced by John Davidson W.S.¹⁰¹ The duke's other joint legal agent, Alexander Macmillan W.S., responsible for matters pertaining to 'country affairs' (i.e. attending landsettings, drawing up tacks and precepts of warning), died in July 1770 and was not replaced. From September 1770, John Davidson served as Commissioner and Cashier to the duke until his replacement by his former clerk, Hugh Warrender in 1796.¹⁰²

The final alteration due to these management changes, and undoubtedly the most significant in terms of the development and implementation of land management and improvement policies upon the estate, was the development of the position of 'overseer of works and improvements', particularly after the appointment of William Keir of Milnholm to the post in 1772.¹⁰³ In a career that spanned nearly forty years, Keir was almost entirely responsible for the planning, implementation, and supervision of all the improvements instigated on the duke's South Country Estates. The following sections will outline the specific development of the roles of overseer and South Country chamberlain in the light of the above-mentioned alterations to the administration's management structure.

¹⁰⁰ After Alexander Farquharson's death in 1789, he was replaced by Hugh Bremner. N.A.S. GD 224/338/16/12/1; N.A.S. GD 224/269/27.

¹⁰¹ See above p. 60.

¹⁰² N.A.S. GD 224/273/2, Archibald Campbell's *Accompts of Charge and Discharge* . . . 13 September 1769 to 13 September 1770, 1771; N.A.S. GD 224/451/1, Hugh Warrender's *Accounts*, 1796.

¹⁰³ Keir became a tenant of the duke's farm of Milnholm, near Langholm. Although the exact date of his tenancy there is unknown, his first recorded letter from there is dated 26 February 1773. N.A.S. GD 224/657/1/3.

a. Overseer of works and improvements

During the third duke's administration, the post of 'supervisor' or 'overseer' of 'improvements and works' for the South Country Estates was held by four men – John Church (1765-72), William Keir (1772-1810), and finally jointly between William Keir Jr and James Elliot (1810-).¹⁰⁴ During this time, the overseer's role and remit changed significantly. As has been discussed above, the post of 'supervisor of woods, plantations, repairs and improvements on his Grace's estates' had been created in 1765, and John Church appointed as its first holder.¹⁰⁵ The position developed out of Church's role as supervisor of the woods of Canonbie and Eskdale, and a memorandum of 1770/71 outlining his duties shows that the emphasis of his remit remained weighted towards the management of the duke's woods.¹⁰⁶ In addition to these responsibilities, however, Church was to ensure that the tenants fulfilled the 'covenants and conditions' of their leases. He was also required to make a report of 'all repairs, buildings & other improvements' that the tenants had made at their own expense, in order that they could be reimbursed for their expense in the event of their removal before they had been 'indemnify'd by duration of possession', as had been stated in the duke's 'proclamation' of 24 September 1768.¹⁰⁷ Following the death of Church, William Keir was appointed as his successor, his commission dated 5 December 1772, with a salary of £150.¹⁰⁸ Keir, who later described himself as being a 'young unexperienced man' at this point,¹⁰⁹ is stated in the commission as being already in the duke's service, but no record of his previous position or early career has been traced, although a William Keir 'land

¹⁰⁴ N.A.S. GD 224/522/3/26, Copies of William Keir's commission from the Duke of Buccleugh, 5 December 1772; N.A.S. GD 224/588/4/46, Commission the Duke of Buccleugh to Mr William Keir Junr., 21 March 1810.

¹⁰⁵ See above p. 42.

¹⁰⁶ N.A.S. GD 224/459 p. 116, Sketch for Mr Church's Operations, n.d. [William Ogilvie c. 1770/71.]

¹⁰⁷ *Ibid.*

¹⁰⁸ N.A.S. GD 224/522/3/26, Copies of William Keir's commission from the Duke of Buccleugh, 5 December 1772; Keir's commission was stated to have started from Whitsunday 1772, his first surviving correspondence in his capacity as overseer dates from two days prior to his commission. N.A.S. GD 224/657/1/2, William Keir to Duke of Buccleugh, 3 December 1772.

¹⁰⁹ N.A.S. GD 224/657/2/99 – 104, William Keir to Duke of Buccleugh, 20 May 1801.

surveyor' is recording as assisting the influential land surveyor Peter May at Crieff in 1768.¹¹⁰ Although the post, described in the commission as 'forrester and overseer', was essentially a continuation of that held by Church, Keir's remit differed significantly from Church's 'instructions' in a number of key areas. In addition to his responsibilities for the management of the 'different woods, plantations, nurseries and fences', Keir was required to oversee all the lime and slate quarries and all other works 'of whatever kind' upon the duke's South Country estates. In addition, he was also to 'make proper surveys and plans' for 'such parts of the Estates, as may be requisite', on the request of the duke. Whereas Church's role had been defined as essentially supervisory, reporting back, for example, on the condition of the woods and the tenants' improvements, and ensuring they had kept to the conditions of the leases, Keir was given a much more pro-active remit. He was, according to his commission,

to visit the whole lands and Estate belonging to me [the duke] in the said counties, from time to time, and report to me his opinion of the most proper management thereof with the restrictions or other articles requisite to be inserted in the leases of such parts of my said Estates as ought to be set, it order to the better improvement of thereof, and to attend and take care that the tenants on the farms presently set, do properly implement, the serverall conditions incumbent upon them.¹¹¹

Whereas Church's instructions had outlined in great detail the exact manner in which he should conduct his business, even down to stipulating the number of books he should use to record his transactions,¹¹² Keir was empowered by his commission to devise and direct his own plans of management, and, in the words of the commission, to give 'such directions about the proper management thereof as he may see fit'.¹¹³

¹¹⁰ A report for the Annexed Estates dated 1 August 1768 is made by a Mr Keir the factor, and William Keir and Peter May described as land surveyors, on the proposed feuing out and extending of the village of Crieff. Ian H. Adams (ed.), *Papers on Peter May Land Surveyor* (Edinburgh, 1979), pp. 107-9.

¹¹¹ In addition to these duties Keir was also required by his commission to attend any meetings regarding the building and repairing of churches and manses that concerned the duke. N.A.S. GD 224/522/3/26, Copies of William Keir's commission from the Duke of Buccleugh, 5 December 1772.

¹¹² N.A.S. GD 224/459 p. 116, Sketch for Mr Church's Operations, n.d. [William Ogilvie c. 1770/71.]

¹¹³ N.A.S. GD 224/522/3/26, Copies of William Keir's commission from the Duke of Buccleugh, 5 December 1772.

Indeed, the issue of the extent of his autonomy and independence within the duke's administration was to prove of the utmost importance to Keir. When Keir first received his commission, he objected to a passage stating that he would 'be bound and obliged to follow out and obey all such instructions as [the duke] or my chamberlains over these estates may give him from time to time'. As Keir recalled in a letter to the duke some years later,

When I had the honour to receive this commission from your Grace at Kelso, I immediately objected to that part of the clause above recited which obliged me to receive and obey the commands of your chamberlain as a thing I could not agree to[.] Your Grace immediately removed this objection by saying 'that you was sensible that it was not for your interest to put me under the management of any factor, and that you never intended to put me in that situation'.¹¹⁴

Keir continued, 'I consider the commission I have the honour to hold under your Grace as giving me an opportunity of employing my time and ability for your Graces interest and my own credit. It points out a clear line of business which your Grace has been pleased to interest in my care without the interference of any third person.'¹¹⁵ The issue of Keir's authority and independence and the subsequent difficulties he had with other members of the duke's establishment, especially the South Country chamberlain, would be the source of long running conflict throughout his tenure, keeping him, as Keir would later describe, 'almost perpetually, in a state of warfare with the other gentlemen concerned with the management of [the estate]'.¹¹⁶

Keir's remit was extensive from the outset and grew considerably during his tenure, a fact later acknowledged in the commission of his two successors, where it was noted he had been 'entrusted with management too extensive to be regularly attended to'.¹¹⁷ As the programme of improvements carried out upon the duke's estates grew more extensive, Keir was required to oversee not only slate and lime works, but marl pits, a brickworks, and also to direct and organise road and bridge building upon the estate; and from early 1791 he took

¹¹⁴ N.A.S. GD 224/657/1/44, William Keir to the Duke of Buccleuch, 16 April 1778.

¹¹⁵ *Ibid.*

¹¹⁶ N.A.S. GD 224/657/2/99-104, William Keir to Duke of Buccleuch, 20 May 1801.

¹¹⁷ N.A.S. GD 224/588/4/46, Commission the Duke of Buccleuch to Mr William Keir Junr., 21 March 1810.

personal charge of the duke's coal works at Byreburn in Canonbie.¹¹⁸ This was in addition to his surveying, planning and implementing the new arrangements of estates and schemes of management, and the supervision of earlier improvements.¹¹⁹ By the end of 1792, Keir's workload was such that he felt the appointment of a clerk was essential:

I really find it impossible for me to execute the business I am engaged in with credit & satisfaction to my self without some assistant in the way of a clerk. In order to superintend the various things that are going on upon the Estate properly, I ought to be almost constantly on horseback; and the writing business furnishes of it self pretty full employment for one person.¹²⁰

In May 1794, after increasing concerns over Keir's workload and the quality of under foresters managing the woods, the duke engaged a 'woodman' from his Northampton estate to take responsibility for management of the woods and plantations.¹²¹ In 1797, James Church Jnr, (grandson of John Church, Keir's predecessor), was appointed as an assistant to Keir to help superintend the draining and fencing that would be required to be made upon the estates due to the stipulations in the new leases, the duke noting, 'the extent of my estates and probable improvements operations in consequence [of the new leases] renders it impossible for you or any man to go through the whole detail'.¹²² In October 1798 Keir noted that 'finding myself not quite so able to undergo fatigue as I have been', he had appointed one of his sons as clerk, adding that he hoped 'that he will, in a little time, acquire so much knowledge of the business of the Estate as will ease me of a good deal of labour'.¹²³

¹¹⁸ See below p. 198.

¹¹⁹ In addition to his role as Overseer, Keir was nominated as a Justice of the Peace in June 1787, a position which he somewhat reluctantly accepted, and in October 1798 was appointed as commander of a troop of yeomanry cavalry under Lord Dalkeith, to be raised from duke's Dumfriesshire estates. N.A.S. GD 224/657/1/62-3, William Keir to Duke of Buccleuch, 16 June 1787; N.A.S. GD 224/657/2/48, William Keir to Duke of Buccleuch, 24 October 1798; *ibid.*, 49, William Keir to Duke of Buccleuch, 6 December 1798.

¹²⁰ N.A.S. GD 224/657/1/105-107, William Keir to Duke of Buccleuch, 19 December 1792.

¹²¹ See below p. 246.

¹²² N.A.S. GD 224/657/2/18, William Keir to Duke of Buccleuch, 28 April 1797; *ibid.*, 19-20, Duke of Buccleuch to William Keir, 13 May 1797.

¹²³ Presumably this was William Keir Jr. N.A.S. GD 224/657/1/48, William Keir to Duke of Buccleuch, 24 October 1798. The duke had suggested that Keir employ one of his sons as assistant and possible successor in January 1793, but Keir had turned down the offer stating that the boy's age and 'more particularly his natural modesty' precluded Keir from being able to judge whether he would be able for the post. And furthermore, that he did not yet know what his son's inclinations would be and felt it would be wrong to force him into it as 'I could not suppose that any mutual benefitt, or

By August 1800 Keir complained of having suffered a from a 'rhumatick complaint' in his head that left him partly deaf,¹²⁴ and the following January he suffered what seems to have been a mental breakdown. Despite this episode of 'utmost distress' and 'madness', as he later described it,¹²⁵ Keir continued on in the post until he retired due to infirm health in 1810, at which point he was awarded an annuity by the duke.¹²⁶ The position of overseer was then divided between his son William Keir Jnr. and James Elliot, Keir Jnr. being made responsible for estates in Eskdale and Liddesdale, while Elliot dealt with the remainder of the South Country estates.¹²⁷ It is however, primarily through William Keir's extensive correspondence, reports, memoranda and surveys that not only the process of improvement, but also the ideas and ideology that lay behind these improvements, can be reconstructed.¹²⁸

b. Chamberlain

The second position of importance in the management of the duke's South Country estates was that of chamberlain. As noted above, this aspect of the duke's administration had undergone significant reform during his minority, culminating in the duke's decision in November 1767 to appoint a single chamberlain for the entire South Country estates. During the duke's lifetime this post was held by William Ogilvie of Hartwoodmyres (1767-1785),¹²⁹

satisfaction could arise from it'. N.A.S. GD 224/657/1/108, William Keir to Duke of Buccleuch, 15 January 1793.

¹²⁴ N.A.S. GD 224/657/2/66, William Keir to Duke of Buccleuch, 6 August 1800.

¹²⁵ N.A.S. GD 224/657/2/81, William Keir to Duke of Buccleuch, 14 January 1801; *ibid.*, 82-83, William Keir to [William Cuthill], 17 January 1801.

¹²⁶ N.A.S. GD 224/657/3/1/14, William Keir Jr. to William Cuthill, 8 February 1812.

¹²⁷ N.A.S. GD 224/588/4/46, Commission the Duke of Buccleuch to Mr William Keir Junr., 1 March 1810; N.A.S. GD 224/527/2, Accompt of Charge and Discharge betwixt His Grace the Duke of Buccleuch & Queensberry and Charles Riddell of Muselee His Graces Chamberlain in Selkirkshire, Crops 1810, 1811, 1812.

¹²⁸ Over 250 of Keir's letters survive, mostly addressed directly to the duke, and covering the period 1772-1803. N.A.S. GD 224/657/1, 1772-1794; GD 224/657/2, 1796-1803; For an analysis of Keir's 'vision' of improvement, see chapter 7.

¹²⁹ Adam Ogilvie's first correspondence to the duke in his capacity of chamberlain dates from June 1786, but a letter of June 1796 states that he has now been in the duke's service for eleven years; N.A.S. GD 224/659/2/8, Adam Ogilvie to Duke of Buccleuch, 5 June 1786; N.A.S. GD 224/659/3/134, Adam Ogilvie to Duke of Buccleuch, 20 June 1796. For William Ogilvie's initial appointment as chamberlain of Melrose and Ettrick Forest see above p. 31.

his son, Adam Ogilvie of Hartwoodmyres (1785-1809),¹³⁰ and Charles Riddell of Muselee (1809-).¹³¹ Following the amalgamation of the five South Country chamberlains into a single post, the chamberlain's position was a full-time post, with responsibility for the collection of rents (collected three times a year), and any other legal matters arising from the rentals, including precepts of warning and removal. In addition, the chamberlain was responsible for representing the duke's interests regarding church patronage. The development of the position of overseer after Keir's appointment in 1772 removed from the chamberlain any responsibility for the planning of management policy; previous to this point, William Ogilvie had been responsible for almost all the memoranda and reports regarding the management and improvement of the duke's estates, including the instructions of Keir's predecessor.¹³² In addition to the legal matters regarding the rents and tenancies, the chamberlain was increasingly concerned with the maintenance of the duke's political interest in the counties where the duke was the dominant landowner. Although this was not an entirely new development - William Ogilvie's appointment by Lady Dalkeith having been made largely for political reasons¹³³ - the balance of the chamberlain's duties during the duke's personal administration seems to have shifted further towards this role. As Adam Ogilvie commented shortly after becoming chamberlain;

I find too, that I naturally ought to take a share in the publick business of these counties. The very great Interest, which the Duke has in each of them, leads to it, and it seems to be expected by those who take a concern in that business. Indeed so long as His Grace wishes to maintain a lead in the politics of these counties, he must pay attention to their police, and in that view, it is necessary that he have somebody to be the channel of communication between himself and the gentlemen of them, through whom his Sentiments upon publick matters may be known to them & theirs to him. So much I say without having the most distant inclination to become a politician.¹³⁴

¹³⁰ Adam Ogilvie held the post until his death in January 1809; N.A.S. GD 224/651/1/1, *ibid.*, /5.

¹³¹ N.A.S. GD 224/527/1, Chamberlain's accounts of charge and discharge, 1808-9.

¹³² See for example, N.A.S. GD 224/389/2/1, Hints for improving the Duke of Buccleugh's Estate, [William Ogilvie] April 1767; N.A.S. GD 224/459 p. 57, Memorial Concerning the repairs of tenant's houses and management of woods of the Duke of Buccleugh's estates with hints to a plan for future regulation of both, [William Ogilvie] June 1769.

¹³³ See above p. 31.

¹³⁴ N.A.S. GD 224/30/12/12-13, Adam Ogilvie to John Davidson, 16 April 1787.

Adam Ogilvie's correspondence to the duke increasingly tended to deal with matters of political management, police and patronage.¹³⁵ Despite this shift in roles, the chamberlain remained an important figure in the development of estate policy, albeit now in a mostly advisory role. On several occasions the chamberlain's opinion was decisive in the vetoing of schemes proposed by the overseer of improvements, a factor that undoubtedly increased the animosity between the holders of these posts. The chamberlain was also responsible for reporting on the character of any current or potential tenant, and for advising on the levels of the rents compared with those elsewhere.

By 1772 the management structure that would remain for the rest of the duke's administration was in place. Of all these changes, the enhanced role for the overseer of improvements was to prove by far the most significant for the development of land management policy upon the Buccleuch estates over the next forty years. The importance of this role is revealed in the following two chapters, which present detailed case studies of the process of improvement upon the duke's upland estates, and, firstly, his lowland estate of Eckford.

¹³⁵ This increase in patronage correspondence undoubtedly resulted from Henry Dundas's continued rise to prominence in British politics and the closeness of his relationship with the duke; as Adam Ogilvie noted in 1805, 'It is a common opinion, or rather a general maxim, that Lord Melville's patronage extends to every office of every description under government, where Scotsmen are interested, as well as that your Grace has only to say to Lord Melville, do! - and it will be done!'. N.A.S. GD 224/659/6/7, Adam Ogilvie to Duke of Buccleuch, 14 March 1805. For Adam Ogilvie's own hopes for patronage from the duke see, N.A.S. GD 224/659/3/134, Adam Ogilvie to Duke of Buccleuch, 20 June 1796.

Chapter 4: Improving the Estate I

The estate of Eckford 1767-1797

The duke of Buccleuch's estate of Eckford was situated in the parish of Eckford, Roxburghshire, lying four and a half miles northeast of Jedburgh and four and a half miles south of Kelso,¹ and comprised of the Barony of Eckford and a part of the farm of Langton.² The estate extended to over 2300 acres³ covering most of the north-west corner of the parish, consisting of rolling, low lying arable and merse land to the east of the Teviot, rising gradually back to a height of 190m over Wooden Hill to the south, and spanning both sides of the Kale Water to the north. At the beginning of the duke's personal administration in 1767 the rent-roll of the estate consisted of eight farms, a 'wauk' mill,⁴ corn mill and lands, slate quarry, dovecote and eleven cott houses accounting for a total rental of £537.6.8.⁵ Of the eight farms, six - Grimslaw, Westermoss, Eckford, Smiddyhill, Mosstower and Langton - were classed as 'corn ground' or predominantly arable farms. The remaining two, Wester and Easter Wooden, were classified as 'grass-ground' or rough pasture, and included the slopes and summit of Wooden Hill.⁶ An analysis of the rent-roll of the estate dating from 1766 indicates a traditional infield-outfield farming system was being practised, while the tenant structure suggests runrig husbandry was prevalent in the infield areas. Of the arable farms, all except two, Langton and the minister's small holding of Smiddyhill, were multiple

¹ OSA Parish of Eckford, vol. 8, p. 21.

² N.A.S. GD 224/285/5, Rental of the Baronys of Eckfoord and Lempitlaw with Six Lands in Langton sett 2d. May 1765 for Cropt 1766 being Corn Ground and Back Rent; Rental of the Grass-Ground etc. of the Barony of Eckfoord sett 1st May 1766 and that from Whitsunday 1766 to Whitsunday 1767. For administrative purposes, the 'Eckford Estate' sometimes also included the duke's neighbouring estate of Lempitlaw, in the parish of Spouston. For the purposes of this study, Eckford refers here exclusively to the Barony of Eckford and the farm of Langton.

³ Based on extent of Robert Dickson's survey in 1773 for the duke noted in, N.A.S. GD 224/345/1, William Keir's vouchers of accounts, 1774-76.

⁴ A mill used for the 'wauking' or finishing of woollen cloth.

⁵ N.A.S. GD 224/285/5, Rental of the Baronys of Eckfoord and Lempitlaw with Six Lands in Langton sett 2d. May 1765 for Cropt 1766 being Corn Ground and Back Rent; Rental of the Grass-Ground etc. of the Barony of Eckfoord sett 1st May 1766 and that from Whitsunday 1766 to Whitsunday 1767.

⁶ *Ibid.*

tenancies, each divided into a number of shares or 'lands' and held by between two to seven tenants.⁷ The farm of Grimslaw, for example, was divided into thirteen and one third lands, distributed between six tenants, in shares ranging from one to five lands. Westermoss was comprised of sixteen lands held by seven tenants, while Eckford had eighteen lands between three tenants. Of the two grass-ground farms, Wester Wooden was set jointly, i.e. divided equally between, the seven tenants of Westermoss. Easter Wooden was divided into eight parts of one twelfth and two parts of one sixth and split between the tenants of Westermoss, Eckford and one of the tenants of Mosstower. The tenant of the corn mill and land, William Davidson, also held three lands in Grimslaw, and one third of Mosstower. The 'cott houses' were distributed over the estate – one at Grimslaw, Westermoss, and the mill, and seven in Eckford. Of the nine tenants listed for the cott houses, six also held land as principal tenants, although three of the cott houses were held by a single tenant, Thomas Hogg, who was also principal tenant for half of Eckford.

This tenant structure, with named multiple tenants making separate rental payments for specified shares of the land is indicative of the practice of runrig, whereby the tenants' lands were intermixed in an attempt to ensure the equal distribution of the best (and worst) land.⁸ Similarly, the joint holding of the 'grass-ground' between the tenants of the arable farms suggests the classic infield-outfield system of cultivation was still prevalent.⁹ The boundaries of the farms within the estate seem also to have been confused and unclear, with the lands of the various farms often intermixed and unbounded. Writing in December 1767 William Ogilvie noted the potential of the estate, stating it was 'the most improvable the duke has, lying in a good climate, and near the materials of improvement'. Although he noted that 'Many have their eyes upon it for such purposes', he continued that 'all agree that

⁷ Although Langton was set to a single tenant, the rent-role recorded it as being '6 lands', suggesting a recent change from multiple tenancy and runrig tenure.

⁸ Devine, *Transformation of Rural Scotland*, p. 9.

⁹ The division of Easter Wooden into specific but unequal shares between its tenants may be an indication of the introduction of cultivation into at least part of a previously uncultivated outfield area. For details of the infield-outfield system see, *ibid.*, p. 3.

the present distribution of the farms are mostly very inconvenient for the purpose of inclosing, and even of possession in their present state, being in several places interjected one with another'.¹⁰ In a proposal made for the farm of Eckford moss (aka. Westermoss) the following year, John Riccalton, one of the present tenants of that farm, made his offer conditional on the 'lands' being properly bounded, noting they were at present 'very irregular', and that an excambion be made with the farm of Eckford town (aka. Eckford), 'to render the possession of both more convenient'.¹¹ William Keir also noted in March 1774 after his first survey of the estate that 'I apprehend there will require some considerable alterations to be made there the farms lyes at present in a very confused inconvenient manner'.¹² Despite the confused organisation of the estate, Ogilvie's assertion of the desirability of the Eckford farms is borne out by the number of proposals made for them following the 1767 advertisement for the general set of the duke's estates. The farms of Grimslaw and Westermoss had four offers, three for Mosstower and Langton, and five for Eckford. The proposals offered average increases of rent of just over 42% with several over 50%.¹³ Although a number of the present tenants made offers for parts of farms, the majority of proposals were for single farms, with two offers for multiple farms, one of which from an Edinburgh lawyer representing an anonymous client offered for Eckford, Grimslaw, Mosstower, Westermoss, Eckford Mill, Langton and Couterscleugh.¹⁴ In concluding his observations on these proposals, Ogilvie advised:

that one or two judicious men, shall make a new distribution of the whole, taking from some and adding to others, in such manner as each farm may be reduced in to a regular boundary and fitted to a general conveniency . . . [and] that a new survey of the estate shall be made, and a plan thereof confirm to such a new distribution, and proposals for leases of 21 years taken in accordingly.¹⁵

¹⁰ N.A.S. GD 224/459 p.28

¹¹ *Ibid.*

¹² N.A.S. GD 224/657/1/17, William Keir to the Duke of Buccleuch, 27 March 1774.

¹³ N.A.S. GD 224/459 p.28.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

I. Preparations for the new arrangement

The first indication that a new arrangement of the estate was to take place came in 1770. In the March of that year, the duke had given the farm of Mosstower to John Church, his supervisor of woods and improvements, on the death of one of the previous tenants.¹⁶ This seems not only to have been a reward for service but a continuation of the policy suggested during his minority, of granting a farm to an improving farmer in order to inspire improvement by example.¹⁷ The duke would certainly continue to take an interest in John, and then his son, James Church, assisting them on several occasions with the improvement and expansion of their farm.¹⁸ During July and August 1770 Buccleuch made a tour of several parts of his South Country estates, accompanied by his chamberlain, William Ogilvie. In addition to visiting and giving orders for the repair of several of his properties, the duke issued orders for the granting of building leases near Langholm¹⁹ and visited two of his estates that had been selected for their suitability for improvement. On 9 August, the duke viewed his Canonbie estate, ordering a new survey to be made of a part of the estate encompassing ten farms, in order that they be 'subdivided in such a manner, as may better serve the purpose of cultivation, [and] by erecting small farm houses in different parts for accommodation of the present possessors, in a more convenient way'.²⁰ After detailing the farms to be surveyed the report continues, 'his Grace having this day viewed the ground, & pointed out the boundarys of the proposed sub-divisions, has accordingly orderd. the same to be carried into exaction with all convenient speed'.²¹ The report concluded the details for the new arrangement by noting

¹⁶ N.A.S. GD 224/459 p. 97, Memorial for the Duke of Buccleugh relative to the alteration of His Grace's rental proposed to take effect of Whitsunday 1770, March 1770.

¹⁷ See above p. 40.

¹⁸ See for example N.A.S. GD 224/655/2/14, Duke of Buccleuch to William Keir, 12 August 1778.

¹⁹ See below p. 193.

²⁰ N.A.S. GD 224/459 pp.109 - 113, Instructions & Orders by his Grace the Duke of Buccleugh to William Ogilvie, August 25 [1770].

²¹ *Ibid.*

And whereas it is his Graces pleasure that the inhabitants of the bounds before mentioned should be accommodated with houses and yards, [he] has therefore ordered Mr. Church to take a list of all the familys now residing in the bounds of foresaid specifying the condition of ordinary occupations of such inhabitants, & the means how they may be best accommodated after the tennants are provided of necessary houses, according to the meaning & intention of this proposed arrangement, & report the same to his Grace.²²

Two days later, the duke and Ogilvie viewed the Eckford estate. The subsequent report noted that in order to render John Church's new farm of Mosstower 'comodius for inclosing', an excambion was necessary of piece of ground owned by another proprietor, a Mr Hall, that lay in the middle of that farm. The duke having viewed the land with Hall, and agreed on a suitable exchange, the report continued:

And whereas this excambion in the manner here proposed will not only make an alteration of the possession & value of the farm of Eckfoord, but as the present boundary of this farm with that of Westermoss is crooked & inconvenient, it is proposed that after the excambion with Mr Hall is finished, a new arrangement of the farms of Eckfoord, Westermoss, Easter & Wester Wooden, comprehending the muir ground now possest by Mostower shall take place, by new boundarys, to be markd.out in such manner, as to render the mutual possessions more comodious & fitt for any future plan of inclosing. And upon these alterations being done, that these farms be valued according to the new arrangement, & the rents proportioned on them according to their worth, quantity, and quality considered.²³

After stating that the above proposals had been 'pointed out to the duke', it was noted that 'his grace approves thereof & has ordered the same to be carried into execution, and that a new plan be made according to the arrangement proposed, of that part of the Barony lying in the south west of Kail Waters'. Finally, the duke 'further ordered that twelve acres on the summit of Easterwooden be inclosed with a stone fence to be planted with firr & forest trees which Mr. Church is to see executed with all convenient speed'.²⁴

Despite the seeming urgency of the 1770 report, the next mention of the new arrangement for the Eckford estate came in early October 1773 at a meeting between Ogilvie and the duke.²⁵ The 'instructions' derived from the meeting noted that William Keir, now overseer of plantations and improvements, had now finished the surveys of both the

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ N.A.S. GD 224/584/9/12, Instructions the Duke of Buccleugh to William Ogilvie, 4 October 1773.

Canonbie and Wilton farms.²⁶ As soon as he had finished the 'plan of division' for these farms, he was to report to the duke so that 'directions may be given for letting them to such persons and upon such conditions as shall be approved by his Grace'. Under the heading 'Eckford estate to be surveyed', the instructions noted that Keir had been given orders to 'survey & plan this estate upon a new arrangement'. They also intimated that the original plan to rearrange only part of the estate – that lying to the south west of the Kail Water – was now to be extended to the remaining two farms of the estate, Grimslaw and Langton. Keir was to arrange an excambion with a John Ormiston, who owned part of the farm of Grimslaw, in order to '[lay] his property together in one plott'; Keir was then to value the land with a view to the duke purchasing it and thus consolidating the farm. The farm of Langton was also to be reported on and valued 'in a view of letting this farm upon an improving lease'.²⁷

The surveying of the estate began that year, accounts showing that the surveyor Robert Dickson was later paid for surveying 2376 acres of the duke's estate at Eckford in 1773.²⁸ In January 1774, Keir informed the duke that if either the Wilton or Eckford Baronies were to be set at Martinmass that year, the tenants ought to be issued with warnings to remove at Whitsunday. He continued,

if your Grace has not an opportunity of settling with them before Whitsunday an obligation should be taken from them to remove at Mart[inmas]s. This would be keeping a power in your Graces hands of doing what you thought right with the farms and it would likewise make the tenants more complyable.

Although winter storms had prevented him from progressing with his survey of Eckford, Keir assured the duke that he would proceed as soon as the ground was clear of snow.²⁹ In

²⁶ A new arrangement was to be made of several farms in the parish of Wilton, near Hawick in Roxburghshire.

²⁷ N.A.S. GD 224/584/9/12, Instructions the Duke of Buccleugh to William Ogilvie, 4 October 1773.

²⁸ N.A.S. GD 224/345/1, William Keir's vouchers of accounts, 1774-76. In 1773 Dickson also surveyed 2273 acres in the Barony of Wilton, 2028 acres at the Barony of Lempitlaw, and 559 acres at the farm of Dingleton mains for the duke.

²⁹ N.A.S. GD 224/657/1/16, William Keir to Duke of Buccleugh, 25 January 1774.

early March, Robert Dickson was again engaging in surveying the estate,³⁰ and by the end of the month Keir could report that he had now looked over the estate in preparation for drawing up a plan for 'a new management of these farms'. His preliminary survey led him to conclude that 'I apprehend there will require some considerable alterations to be made there the farms lyes at present in a very confused inconvenient manner'.³¹ The duke was also informed that the slate quarry on the Eckford estate, which had been closed since August 1766,³² would be operational from the beginning of May.³³ This was to be primarily to provide materials for the new farm buildings that were proposed to be built, although Keir noted that if the contractors fulfilled their engagement, to deliver 5000 slates a week, there would be a surplus to sell.

Keir was also optimistic that there was a good chance of there being 'a fine field of marle' located in 'a large moss near the middle of the estate', noting that 'if it should turn out well it will be a very great acquisition'.³⁴ His hopes were confirmed the following month when further trials revealed 'a great quantity of it[.] the seam is about 6 feet thick and in some places better'; he concluded that 'it will be of very great advantage to this estate'.³⁵ The presence of marl in Eckford was to play a central part in Keir's strategy for the estate's improvement. Until its discovery, the only source of manure in the area (apart from human and animal waste) was lime carted from Northumberland, a distance of twenty-four miles.³⁶ Besides the convenience of having marl upon the estate, Keir argued that it was particularly suited to the light and dry soil, and would 'answer much better with it than any [other] kind of manure'.³⁷ In order to extract the marl, Keir set about draining Eckford moss, lying on Westermoss farm. Keir recommended in November 1774 that as 'a good deal of marle'

³⁰ N.A.S. GD 224/345/1, William Keir's vouchers of accounts, 1774-76.

³¹ N.A.S. GD 224/657/1/17, William Keir to Duke of Buccleuch, 27 March 1774.

³² N.A.S. GD 224/285/5, Rental of the Grass-Ground etc. of the Barony of Eckfoord sett 1st May 1766 and that from Whitsunday 1766 to Whitsunday 1767.

³³ N.A.S. GD 224/657/1/17, William Keir to Duke of Buccleuch, 27 March 1774.

³⁴ *Ibid.*

³⁵ N.A.S. GD 224/657/1/19, William Keir to Duke of Buccleuch, 21 April 1774.

³⁶ N.A.S. GD 224/522/1/2, Report concerning the Marle at Eckford, November 1780.

³⁷ N.A.S. GD 224/657/1/19, William Keir to Duke of Buccleuch, 21 April 1774.

would be available before the drain was finished, those tenants who would be taking farms in the new arrangement should be permitted to 'dig as much as they chuse to lay upon their ground till the drain is got finished only taking care that they do it in a regular manner'.³⁸ By the end of the month Keir had contacted a Mr Adam Crozier to build a 'close' mine of 200 fathoms to complete the drainage of the moss at an estimated cost of £150.³⁹ By the end of January 1775 the preliminary open cast mine was almost finished, and three months later Keir could report that work on the closed mine was progressing well.⁴⁰

In the meantime, preparations for the new set of the estate continued. By early November 1774 Keir had completed his plan for the new arrangement and sent the duke his new valuation of the estate, noting that it included 'an addition proposed to be laid upon the tenants in consideration of the marle'.⁴¹

As your Grace has not the plan I have endeavoured to describe each division so as your Grace may have some notion of its situation. I have likewise added a note of the heads of such conditions as I suppose may be proper for the leases of this Estate respecting the inclosing and labouring of the ground. As it is necessary the tenants should be acquainted with the principal conditions of the leases by which they are to hold their farms as well as the rent they are to pay for them, should be glad to have the honour of your Graces opinion of these conditions and to know if it would be necessary to make any alterations in them.⁴²

Keir met with the duke at Dalkeith in December, settling his accounts and receiving the duke's instructions for the work proposed to be carried out the follow year, including his orders for the new arrangement of Eckford.⁴³ In January, Keir spoke with the present tenants in Eckford and the neighbouring estate of Lempitlaw, also due to be set in a new arrangement, outlining the 'alterations proposed upon these estates agreeable to your Graces orders at Dalkeith'.⁴⁴

³⁸ N.A.S. GD 224/657/1/22, William Keir to Duke of Buccleuch, 4 November 1774.

³⁹ N.A.S. GD 224/657/1/24, William Keir to Duke of Buccleuch, 22 November 1774.

⁴⁰ N.A.S. GD 224/657/1/30, William Keir to Duke of Buccleuch, 24 April 1775.

⁴¹ N.A.S. GD 224/657/1/22, William Keir to Duke of Buccleuch, 4 November 1774.

⁴² *Ibid.*

⁴³ N.A.S. GD 224/657/1/24, William Keir to Duke of Buccleuch, 22 November 1774; *Ibid.*, 26, William Keir to Duke of Buccleugh, 20 January 1775.

⁴⁴ N.A.S. GD 224/657/1/26, William Keir to Duke of Buccleuch, 20 January 1775.

No record survives of the duke's contribution to Keir's proposed alterations, but Keir's correspondence makes clear that a similar approach was to be made to the reorganisation of the Eckford and Lempitlaw estates as had previously been ordered for the new arrangement of the Canonbie farms in August 1770 – namely, that all the present tenants were to be offered farms or some kind of holding. In his letter of 20 January, Keir noted that all the current tenants in both Eckford and Lempitlaw had been offered a farm except two in Lempitlaw, who were 'not in the ability to undertake any farm'. Keir recommended that as they had families, the duke might think it proper to allow them to continue in the houses they currently possessed while granting each of them enough ground as would allow the upkeep of a cow.⁴⁵ That the instructions to accommodate all of the current tenants in the new arrangements originated with the duke is evidenced in a memorial drafted by Keir the following year, in which he set out to defend the escalating costs of the improvements.

The memorialist always understood from his Grace that he was not so desirous of increasing his rental by these new arrangements but rather wished to have the estate improved and signified that he meant to sett the farms at such a moderate rent as would enable the tenants to execute a proper plan of improvements. Thus as it perfectly corresponded with the memor[iali]sts own private opinion he has always had in view. It was represented to his Grace by the mem[oriali]st when the alterations in Cannoby were first proposed that a considerable saving might be made in the expence of buildings by making the farms larger, but as his Graces humanity made him desirous to accomodate all his tenants the memst. thought it would have been extremely wrong in him to endeavour by any further representation to diswade his Grace from it.⁴⁶

And indeed, as Keir noted on submitting his plan for the new arrangement of the Canonbie farms, 'according to this division all the tenants that are at present on these farms will be accomodate'.⁴⁷ Evidence suggests that the new arrangement of Eckford was to be similarly influenced by the duke's concern to accommodate his present tenants. On 9 February Keir informed the duke that 'all the tenants both in the estates of Eckford and Lempitlaw except

⁴⁵ *Ibid.*

⁴⁶ N.A.S. GD 224/522/1/1, Memorial for his Grace the Duke of Buccleugh by William Keir relating to the improvements upon his Graces estate under his management, 1776.

⁴⁷ N.A.S. GD 224/657/1/7, William Keir to Duke of Buccleuch, 7 May 1773.

four in Eckford have cheerfully accepted of their farms upon the terms offered them'. Of the four tenants that had declined the offer of a farm, Keir believed that one of them, who had declined on the terms of having to enclose, would later accept. However, he continued,

I apprehend it will be for your Graces advantage that the others have refused for by adding the three divisions they should have had to some of the other farms will make them much better and save your Grace some hundred pounds which must necessarily have been laid out for buildings.⁴⁸

A week later Keir sent a new plan of the estate with the four refused farms, which, with the addition of some land from adjacent farms, were now made into two units of 250 and 300 acres respectively.⁴⁹ These arrangements had to be revised again in April when three of the four tenants who had originally turned down the offer of farms, now made new proposals for them.⁵⁰ By the following month, after discussing the proposals with the duke at Langholm castle, Keir had settled with two of them, leaving only one farm on the estate left to be disposed of.⁵¹

II. The new arrangement of 1775

Although none of Keir's plans or tacks for the new arrangements at Eckford have been located, the main elements of the new settlement can be reconstructed from later correspondence and memoranda. The tenants entered into possession of their farms at Martinmass 1775, on 21-year improving leases.⁵² The original six arable farms and two grassland farms, were now nine consolidated farms, the fermtoun of Eckford having been divided into two farms, East and West Mains.⁵³ Whereas previously, all but one of the

⁴⁸ N.A.S. GD 224/657/1/27, William Keir to Duke of Buccleugh, 9 February 1775.

⁴⁹ N.A.S. GD 224/657/1/28, William Keir to Duke of Buccleugh, 17 February 1775.

⁵⁰ N.A.S. GD 224/657/1/30, William Keir to Duke of Buccleugh, 24 April 1775.

⁵¹ N.A.S. GD 224/657/1/31, William Keir to Duke of Buccleugh, 17 May 1775.

⁵² N.A.S. GD 224/657/1/40, William Keir to Duke of Buccleugh, 2 December 1776;

N.A.S. GD 224/459 p. 237, Mr Keirs report respecting some farms in the estates of Eckford and Lempitlaw, and also respecting the farm of Borthhaugh in the parish of Hawick, 21 December 1796.

⁵³ N.A.S. GD 224/285/5, Rental of the Baronys of Eckfoord and Lempitlaw with Six Lands in Langton sett 2d. May 1765 for Cropt 1766 being Corn Ground and Back Rent; Rental of the Grass-Ground etc. of the Barony of Eckfoord sett 1st May 1766 and that from Whitsunday 1766 to Whitsunday 1767; N.A.S. GD 224/459 p. 197, State of the rents at present paid for the farms on the

substantial farms were held as multiple tenancies, by the time the tacks came to expire in 1796, all the farms were set to single tenants,⁵⁴ the number of principal tenants for farms thus being reduced from nineteen to nine.⁵⁵ The new settlement also included a number of small-holdings of so called 'small tenants', presumably to accommodate those tenants not offered farms. There are no details of the number of these set in 1775 nor the conditions of their leases, but by the time preparations for the next set were being drawn up in 1793, they consisted of seven tenants with combined holdings of 66 acres and paying a total rent of £70.17.1.⁵⁶ At least some of the farms were set on a progressive scale of rental – two of the farms (not identified in the correspondence) had been set for £107 for the first two years and £144 for the remainder of the lease.⁵⁷ This would be consistent with the letting policy implemented on the Canonbie estate in 1773.⁵⁸ The increase in rental at the new arrangement was initially noted in 1776 as being £300,⁵⁹ while four years later it was estimated as 'somewhat more than £400'.⁶⁰

As noted above, the year before the new arrangement took place, Keir had drawn up 'such conditions as I suppose may be proper for the leases of this Estate respecting the inclosing and labouring of the ground'.⁶¹ By these stipulations the tenants were bound to

estate of Eckford and Lempitlaw; of the offers made by tenants for a new lease of 21 years, and of the rent which it is supposed they ought to pay, William Keir, 1793.

⁵⁴ N.A.S. GD 224/459 p. 197, State of the rents at present paid for the farms on the estate of Eckford and Lempitlaw; of the offers made by tenants for a new lease of 21 years, and of the rent which it is supposed they ought to pay, William Keir, 1793.

⁵⁵ N.A.S. GD 224/285/5, Rental of the Baronys of Eckfoord and Lempitlaw with Six Lands in Langton sett 2d. May 1765 for Cropt 1766 being Corn Ground and Back Rent; Rental of the Grass-Ground etc. of the Barony of Eckfoord sett 1st May 1766 and that from Whitsunday 1766 to Whitsunday 1767;

N.A.S. GD 224/459 p. 197, State of the rents at present paid for the farms on the estate of Eckford and Lempitlaw; of the offers made by tenants for a new lease of 21 years, and of the rent which it is supposed they ought to pay, William Keir, 1793.

⁵⁶ *Ibid.*; N.A.S. GD 224/495 p. 258, Mr Keirs report of a new arrangement of the farm of Westermoss and of the lands possessed by the small tenants at Eckford, and of the rents proposed to be charged upon the tenants, to commence from Martinmass 1797, William Keir.

⁵⁷ N.A.S. GD 224/657/1/41, William Keir to Duke of Buccleuch, 7 November 1776.

⁵⁸ N.A.S. GD 224/657/1/7, William Keir to Duke of Buccleuch, 7 May 1773.

⁵⁹ N.A.S. GD 224/522/1/1, Memorial for His Grace the Duke of Buccleugh by William Keir relating to the improvements upon his Grace's estate under his management, 1776.

⁶⁰ N.A.S. GD 224/522/1/3, Memorial by Will. Keir concerning the improvements made upon his Grace the Duke of Buccleughs estate, humbly submitted to his Graces consideration, April 1780.

⁶¹ N.A.S. GD 224/657/1/22, William Keir to Duke of Buccleuch, 4 November 1774.

enclose a percentage of their land at their own expense, with the duke supplying thorns and paying for the weeding and dressing of the new hedges.⁶² In 1778 alone over 4000 Oak, Ash, Elm and 'plain' trees were planted in the hedgerows at Eckford and Lempitlaw,⁶³ and by 1781 the expense of cleaning hedges upon the farms at Canonbie and Eckford was estimated at around £30 a year.⁶⁴ The stipulations for labouring the ground including the use of marl which was to be laid at a maximum of 70 bolls per acre, while the tenants were to be obliged to pay an addition to their rent once the marle had become available for their use.⁶⁵

A key component of the new arrangement of farms at Eckford, and indeed of Keir's improving programme in general, was the building of new dwelling houses and 'offices', or farm buildings, for the tenants at the duke's expense. These buildings were seen as being essential to the process of constructing a 'commodeous' farm conducive to being improved. In his first extant letter to the duke, Keir had stressed the importance of building new houses for his plan for the new arrangement of the Canonbie farms;

If these farms are laid out to the greatest advantage I apprehend there will require some new houses to be built. It is impossible for the tenants in the present situation of these farms to make any considerable improvements on their grounds as they ly at too great a distance from the houses and almost inaccessible to the means of improvement.⁶⁶

In a memorandum of 1780 defending the expense of the improvements, Keir noted, 'The division of these lands into commodeous farms, necessarily brought on the expence of building farmhouses, to accomodate the tenants.' As a consequence of this, Keir continued, 'they are inabled to improve their fields which now lye adjacent to each of them; but would have been impractable, whilst, parts of each of the farms lay at a distance, and intermixed

⁶² N.A.S. GD 224/522/1/3, Memorial by Will. Keir conserning the improvements made upon his Grace the Duke of Buccleughs estate, humbly submitted to his Grace's consideration, April 1780.

⁶³ N.A.S.GD 224/345/15, Accompt of disbursements made by Will. Keir for works done upon the Duke of Buccleughs Estate in the years 1777 & 1778.

⁶⁴ N.A.S. GD 224/522/1/11, Abstract of expences of the works proposed to be done upon his Grace the Duke of Buccleugh's estate in the year 1781.

⁶⁵ N.A.S. GD 224/522/1/2, Report conserning the Marle at Eckford, William Keir, November 1780.

⁶⁶ N.A.S. GD 224/657/1/2, William Keir to Duke of Buccleuch, 3 December 1772.

with the possessions of others'.⁶⁷ It seems that the duke was obliged by the tacks to either build or contribute towards the cost of building suitable farmhouses and offices for the tenants of Eckford. When the two farms that had remained vacant at the 1775 set were proposed for the following year, the prospective tenants requested a 'proper dwelling house and offices' should be built by the duke 'without charging them with any interest for the money expended thereon'. Keir noted that, 'your Grace must be at the expence of building new houses upon the farm whoever is the tenant'.⁶⁸ The amount to be granted seemed to be open to some negotiation and dependant to some extent on the tenant's character with regard to improvement. In February 1775, Alexander Oliphant, who in the new arrangement was to become tenant of West Mains of Eckford, informed Keir that the £100 which the duke had proposed to allow him for the building of houses on his farm was too small, and that he would pass on plans and estimates of the houses he intended to build to the duke.⁶⁹ In a letter to the duke in May, Keir noted that the duke had agreed to allow Oliphant £150, but added,

the expence of the buildings he must have upon his farm will be very considerable I dare say not less than £400 if they are done substantially and as he seems to have a turn for improving his farm and making things neet about it I would beg leave to propose to your Grace to allow him £200[.] I'm confident your Grace could not erect buildings sufficent for this farm for that money.'⁷⁰

A note in Keir's accounts of 1777-78 stated that 'by the lease granted to Alexander Oliphant [the duke] is bound to pay £250 towards the expence of these buildings',⁷¹ although by 1776 the duke's contribution to Oliphant's building costs had already reached £296.⁷² By 1778 the total expended by the duke had risen to £454.18.1, although it was noted that Oliphant's building allowance of £60 for building on another of the duke's farms would be transferred towards these costs, implying that Oliphant would have to pay the duke £144.18.1, leaving

⁶⁷ N.A.S. GD 224/522/1/3, Memorial by Will. Keir concerning the improvements made upon his Grace the Duke of Buccleugh's estate, humbly submitted to his Graces consideration, April 1780.

⁶⁸ N.A.S. GD 224/657/1/41, William Keir to Duke of Buccleuch, 7 November 1776.

⁶⁹ N.A.S. GD 224/657/1/27, William Keir to Duke of Buccleuch, 9 February 1775.

⁷⁰ N.A.S. GD 224/657/1/32, William Keir to Duke of Buccleuch, 4 May 1775.

⁷¹ N.A.S. GD 224/345/15, Accompt of disbursements made by Will. Keir for works done upon the Duke of Buccleugh's Estate in the years 1777 & 1778.

⁷² N.A.S. GD 224/522/1/1, Memorial for His Grace the Duke of Buccleugh by William Keir relating to the improvements upon his Grace's estate under his management, 1776.

the duke's total contribution at £310.⁷³ Keir later estimated that the total cost of Oliphant's house and buildings was about £650.⁷⁴ It also seems that the tacks specified a definite period for buildings to be completed; in 1778, for example, Keir informed the duke that by the lease granted to James Thomson of the farm of Langton he was 'obliged' to erect buildings there that year.⁷⁵

Besides the building work on Oliphant's farm, by 1776 three farmhouses had been built on the estate at a cost to the duke of £175 each, giving a total building expenditure for the estate up to that point of £821.⁷⁶ By April 1780 it was noted that on the Eckford estate 'his Grace has expended upon building houses and for timber furnished to tenants for buildings done by themselves' £1836,⁷⁷ although it seems that not all the farms had yet been supplied with new farm houses. When the farm of Grimslaw was reset in 1785, the new tenant proposed dwelling houses and offices on the model of Oliphant's, and Keir estimated that the part of the buildings which the tenant proposed to have done that year would amount to some £300.⁷⁸

A further alteration introduced at the reorganisation of 1775 was the change in the method of renting the duke's corn mill on the estate. The question of reforming the management of the duke's twenty-two mills had been raised in a memorial drafted sometime between August 1770 and July 1771.⁷⁹ The memorial began with a general critique of the practice of thirlage or astringency to mills, the practice whereby tenants were bound by their landowner to have their 'grindable corns' ground at a particular mill. The memorial noted,

⁷³ N.A.S. GD 224/345/15, Accompt of disbursements made by Will. Keir for works done upon the Duke of Buccleugh's Estate in the years 1777 & 1778.

⁷⁴ N.A.S. GD 224/657/1/56, William Keir to Duke of Buccleuch, 4 May 1785.

⁷⁵ N.A.S. GD 224/657/1/44, William Keir to Duke of Buccleuch, 16 April 1778.

⁷⁶ N.A.S. GD 224/522/1/1, Memorial for His Grace the Duke of Buccleugh by William Keir relating to the improvements upon his Grace's estate under his management, 1776.

⁷⁷ N.A.S. GD 224/522/1/3, Memorial by Will. Keir concerning the improvements made upon his Grace the Duke of Buccleugh's estate, humbly submitted to his Graces consideration, April 1780.

⁷⁸ N.A.S. GD 224/657/1/56, William Keir to Duke of Buccleuch, 4 May 1785.

⁷⁹ N.A.S. GD 224/459 p. 114, Memorial concerning the corn milns on his Grace the Duke of Buccleugh's estates in the countys of Dumfries, Roxburg, Selkirk, & Peebles, [nd but by position in book between August 1770 and July 1771].

Thirlage or astringion to mills in Scotland has been ever complained of, as a species of oppression. It gives occasion to cheats & impositions, that by their nature are not easy to be detected. A higher duty is paid for grinding than the time & trouble of the operation deserves, being a duty payable in kind out of the grain before and after it is manufactured, and which in every instance is so ill defined, as not to be fixed to a determined rate. Hence quarells & debates, abstractions, actions at law & penaltys. These duties so far as they exceed an adequate rate, become a tax, upon that necessary of life, which is as originally intended for the benifit of the proprietor, by enhanceing the rent of the mill, but what by its effects tend more to the emolument of the miller or tacksman.

The tenants astringed to the duke's mills had to pay a 'multure' or duty to the miller, which the memorial estimated was equal to at least 10% of the grain's value. If the tenants were free to 'grind where they pleased' it was estimated that they might have it done for 4% of the value. The memorial went on to state that it would be in the best interest of the proprietor of a mill, 'especially in a pasturable country to demolish it, emancipate his astringed tenants, & take from them an additional rent equal to the surplus value of the Multure dutys; & the interest also of the tenant to pay it'. The memorial concluded with a number of recommendations. Firstly, that all mills that were 'above what may be necessary for the country' should be 'abolished'. That the remaining mills and their lands should be let 'at such rent as they will give, exclusive of thirlage', with the tacksman being obliged to repair and maintain the mill 'in a going condition' at the end of his lease. The shortfall between the old rent and the new would be made up by an increase in the rent of the farms that had been freed from astringion. The consequences of these reforms, the memorial argued, would be that 'the Duke would have the present millrents better secured & freed from all burden of repairs etc.', while the tenants, by becoming freed of astringion, would 'get their corns better dressed & grinded at a reasonable & moderate duty, as they best could bargain for'. An additional consequence would be that 'an emulation would naturally arise among the millers to be obliging & serviceable in order to allure people to come to their mills'.⁸⁰

Eckford mill, along with the mills of Melrose, Hawick, Langholm and Canonbie, belonged to what the above memorial defined as the 'first class' of mills on the duke's

⁸⁰ *Ibid.*

estates, being those in the best state of repair and bringing in the highest rental.⁸¹ By the rent-roll of 1766, Eckford mill and its lands was rented at £48.5.1, to William Davidson, who was also a tenant in the farms of Grimslaw and Mosstower.⁸² At the commencement of new arrangement in 1775, the arrangements of the mill were altered, although the reforms did not follow the pattern laid out in the 1770/71 memorial. Instead, the mill was jointly let to the tenants whose farms had been previously thirled to it and these tenants in turn, sub-let it to 'a person of their own choosing'. The new miller then paid them a 'certain part' of the old mill rent, and was obliged to grind the tenants' corn at a much lower multure than was previously the case. In addition to this, the tenants were no longer to be astricted to the mill, being 'at liberty to grind their corn at any other mill more convenient'.⁸³

III. The new arrangement in practice

Almost from the outset, a number of difficulties arose from the new arrangement of the Eckford estate and the programme of improvements that Keir intended to be implemented. Keir encountered problems in his relations with the tenants, particularly concerning the stipulations regarding enclosure and fertilising, and, as general economic conditions worsened, with the payment of the new levels of rent. As mentioned above, at least one of the four existing Eckford tenants who initially refused an offer of a new farm did so not because of the higher rent, but because of the enclosing required by the new tacks.⁸⁴ At Whitsunday 1776, six months after the commencement of the new tacks at Martinmass 1775, two of the Eckford farms were relinquished by their tenants, and stood empty for over

⁸¹ The average rental of the first class mills (exclusive of mill-lands) was £40; that of the seven second class mills (inclusive of mill-lands) £25.3; while those of the third rank (ten mills) gave £9.16. The memorial noted that most of the second and third class mills were 'almost ruinous', and would require repairs of at least £60 per mill. *Ibid.*

⁸² N.A.S. GD 224/285/5, Rental of the Baronys of Eckfoord and Lempitlaw with Six Lands in Langton sett 2d. May 1765 for Cropt 1766 being Corn Ground and Back Rent; Rental of the Grass-Ground etc. of the Barony of Eckfoord sett 1st May 1766 and that from Whitsunday 1766 to Whitsunday 1767.

⁸³ N.A.S. GD 224/459 p. 241, Mr Keirs report respecting some farms in the estates of Eckford and Lempitlaw, and also respecting the farm of Borthhaugh in the parish of Hawick, 21 December 1796.

⁸⁴ N.A.S. GD 224/657/1/27, William Keir to Duke of Buccleugh, 9 February 1775.

a year. In June 1776 Keir turned down proposals for the two vacant farms on the grounds that the prospective tenants 'would not agree to such conditions as I thought was absolutely necessary for the improvements of the ground'. He noted that 'they object particularly to the inclosing of the ground and seem'd averse to any restrictions with respect to the labouring of the ground. They seem to have no idea that the marle is to be of any advantage to this land and consequently puts no value upon it.'⁸⁵ By November 1776, Keir was prepared to set the farms at a reduced rent with the duke to meet the full cost of enclosing (estimated at £150) to two of the duke's former tenants who had accepted a farm as part of the new arrangement, but left it at Whitsunday that year. Keir commented at the time,

I am not very fond of treating a second time with people who have once given me the slip as I think it but a bad preceident to others. But I think the rent they propose considering the present situation of the farm (for it is perfectly run out having been scourged for three years past) is as much as your Grace can expect from any other tenants and as I have had no reasonable proposal from any other person I'm afraid to refuse them for tenants on that account . . . and for that reason could wish that your Grace might see it proper to accept of them for tenants. What I can say in their behalf is that they are industrious men & I believe able for the undertaking. The low price that grain of all kinds has given for some time past, has made tenants very shy of taking farms at what may be thought an adequate rent.⁸⁶

At the beginning of December, Keir informed the duke that he had received a number of petitions from the tenants regarding the 'terms of payment of their rents upon the new leases'. Furthermore, he had 'reason to apprehend' that these complaints 'may be the cause of some of them leaving their farms, and as I formerly mentioned to your Grace I do not think this is a time to throw farms vacant for trifles'.⁸⁷ Keir suggested that a change in the commencement date of their leases, bringing them forward from Martinmass to Whitsunday, would help alleviate the situation, noting 'I think it is of very little consequence to your Grace their being brought a half year forward in payment of their rents, but it is no doubt

⁸⁵ N.A.S. GD 224/657/1/42, William Keir to Duke of Buccleuch, 2 June 1776.

⁸⁶ N.A.S. GD 224/657/1/41, William Keir to Duke of Buccleuch, 7 November 1776. This low price of grain reported here is in keeping with the trough noted in Devine's data on prices of oats and barley in Fife from mid 1770s to c.1782. Devine, *Transformation of Rural Scotland*, pp. 38–39.

⁸⁷ N.A.S. GD 224/657/1/40, William Keir to Duke of Buccleuch, 2 December 1776.

material to the tenants'.⁸⁸ By 10 March 1777, Keir could inform the duke that he had acquainted the tenants of Eckford and Lempitlaw with his answer to their petition 'requiring a deduction of their present rents'. Keir went on to add that, 'they have none of them thought proper to give up their farms [and] most of them seemed rather thankfull that your Grace had been so good as allow them to keep their farms and acknowledged that they had been missled by bad advice';⁸⁹ nine days later the duke replied that he was 'happy to hear that Eckford is once more settled'.⁹⁰

Further problems were encountered by Keir in his attempts to both work the marl and enforce its use on the tenants' farms. Work on draining Eckford moss had begun well, but the project soon ran into difficulties and its costs escalated far beyond the initial estimate of £150.⁹¹ Although favourable mining conditions had been reported in April 1775, over a year later, in June 1776, the work on the drain was not yet completed, despite work continuing, according to Keir, 'night and day'.⁹² By 1776 the cost of the drain had risen to £220,⁹³ and by the end of 1778 the total expenditure on the project had risen to over £588.⁹⁴ The escalating costs of draining the moss were compounded by the problems Keir encountered in trying to sell the marl. Writing in a report of 1780 Keir noted that the omission of the draining expense in his assessment of the cost of the improvements at Eckford was because 'he allways supposed, and has still no doubt, but a proffit will arise to his Grace from this marle more than sufficient to repay the expence laid out upon it'. Keir went on to acknowledge that the marl was not making 'any proper return' at present, but argued that this was entirely due to the conduct of the duke's tenants. These tenants had,

⁸⁸ *Ibid.*

⁸⁹ N.A.S. GD 224/657/1/39, William Keir to Duke of Buccleuch, 10 March 1777.

⁹⁰ N.A.S. GD 224/655/2/3, Duke of Buccleuch to William Keir, 19 March 1777.

⁹¹ N.A.S. GD 224/657/1/24, William Keir to Duke of Buccleuch, 22 November 1774.

⁹² N.A.S. GD 224/657/1/30, William Keir to Duke of Buccleuch, 24 April 1775; N.A.S. GD 224/657/1/42, William Keir to Duke of Buccleuch, 2 June 1776.

⁹³ N.A.S. GD 224/522/1/1, Memorial for His Grace the Duke of Buccleugh by William Keir relating to the improvements upon his Grace's estate under his management, 1776.

⁹⁴ The total expended in the years 1777 and 1778 was £368.13.9 4/. N.A.S. GD 224/345/15, Accompt of disbursements made by Will. Keir for works done upon the Duke of Buccleugh's Estate in the years 1777 & 1778.

according to Keir, entered into a combination 'to make no use of it' in order to 'favour particular schemes'. They had also, continued Keir,

by improper representations, drawn in most part of the tenants belonging to the neighbouring gentlemen, into the same combination. The memorialist cannot say positively what is the design of the tenants. But he has reason to suspect that it is to favour an application to his Grace to remitt them the advance rent that should commence upon their getting the use of the marle, and to favour some intended application for lowering the price they are bound to pay for it.⁹⁵

As noted above, one of the stipulations of the tenants' leases at the new arrangement was that they were to marl their land at the maximum rate of 70 bolls per acre, and that the marl should be sold to them from the duke at the rate of three pence per boll. Keir described this rate as 'a considerable favour', given that the normal rate to 'strangers', i.e. non-tenants of the duke, was set at six pence per boll.⁹⁶ During 1780 the tenants of Eckford petitioned the duke for a reduction of the price of marl, and Keir was required by the duke to make a report of the situation. Keir went to great lengths in his defence of the current situation, arguing that the very future of improvement upon that estate depended on it. Keir began by defending the economics of using marl by comparing the expense of using lime (that had to be carted over twenty miles from Northumbria) with marl, arguing that using marl cost two-thirds less. The petitioners had stated that the 70 bolls per acre stipulated in the lease were insufficient, arguing that at least 200 bolls per acre would be necessary. Keir contested their assertion by stating that in Angus the usual rate per acre was only 60 bolls, and that even if it was the case that 200 bolls were needed, marl still worked out at 13 or 14 shillings an acre cheaper than lime. Keir went on also to defend the pricing of the marl. The petitioners claimed that marl could be bought for six pence a cart-load (four bolls) in the neighbourhood of Hawick, and requested that the marl from Eckford be priced at the same rate. While acknowledging the lower price of marl near Hawick, Keir stating that 'every kind of mannure, (marle especially) is more or less valuable according to the situation of it', arguing that the price of marl was

⁹⁵ N.A.S. GD 224/522/1/3, Memorial by Will. Keir concerning the Improvements made upon his Grace the Duke of Buccleugh's estate, humbly submitted to his Graces consideration, April 1780.

⁹⁶ N.A.S. GD 224/522/1/2, Report concerning the Marle at Eckford, William Keir, November 1780.

dictated by the proximity of other manure, together with the amount of competition from other producers.

Therefore, if the price set upon his Graces marle, make it less expensive to people in the neighbourhood as mannure, than lime, there is every reason to suppose that there will be a demand for it. And when the price of this marle was fixed at 3d per boll to his Graces tenants & 6d a boll to strangers, it was from a conviction, that even the latter, would save a considerable expence by using it as a mannure at that price, in place of lime. It has been already mentioned, that an acre of land in the neighbourhood of Eckford cannot be properly mannured with lime, for less expence then £3.10.-; but the reporter can make it appear, that an acre of land within five miles of the marle-pitt at Eckford, may be mannured equally well with marle, at six pence a boll, for £2.10.- or very little more. This apparent advantage would long ere now, have induced people in the neighbourhood, to become purchasers of it; if an ungratefull combination begun by his Graces tenants, had not prevented it.

Keir continued by defending the amount allowed to be used per acre – a stipulation he described as ‘one of the most necessary restrictions upon the tenants’, and ‘exceedingly dangerous to dispence with’, concluding that ‘it is not the quantity of mannure either of lime or marle that may give the greatest return for two or three cropts that is the most proffitable, . . . but that quantity which can be most frequently repeated with advantage’.⁹⁷ Keir concluded by outlining what he believed would be the consequences if the duke acquiesced to the demands of the petitioners.

It would in the first place . . . be exceedingly detrimental to the improvement [of] that estate; as it would be departing from the rules laid down in the leases upon the observance of which, the improvement of it in a great measure depends, and which in his opinion ought never to be done but in cases where very strong and evident reasons may justify; as by that means, the success of the best plan that can be devised for the improvement of an estate, may be rendered precarious and doubtfull. And such instability in allways sure, to be the parent of faction, & discontent. To leave them at liberty with respect to the quantity, would be hazarding every future advantage that his Grace might expect to reap from that estate by the vicinity of that mannure, . . . And it is easy to foresee that their want of experience and their notions of self interest would lead them to missapply it.⁹⁸

The report on the marl shows the extent to which Keir believed that the stipulations and restrictions of the tacks were indispensable for the improvement of the estate. The report also highlights his attitude towards the tenants and how the restrictions of the lease were designed

⁹⁷ Keir would later come to the conclusion that 40 bolls were sufficient; N.A.S. GD 224/657/1/113-115, William Keir to the Duke of Buccleuch, 11 June 1793.

⁹⁸ N.A.S. GD 224/522/1/2, Report concerning the Marle at Eckford, William Keir, November 1780.

to rein in the tenants' 'notions of self interest' and make up for their 'want of experience'. It also serves as another example of the way in which tenants could use collective action to pursue their goals. Keir argued that their combination was so strong, that even when he offered the tenants of a neighbouring estate as much as would be required to manure an acre free of charge, they declined, unless the price was reduced to the level of the petitioners' request.⁹⁹ In order to try to break the combination and encourage those of 'more liberal sentiments' to make a trial of the marl, Keir lowered the price to strangers to four pence a boll, later reporting 'a considerable quantity' had been sold that year at that price.¹⁰⁰ Indeed, £65 worth of marl was sold in 1780, mostly to a tenant of the Duke of Roxburgh three miles distant.¹⁰¹ While there is no indication of the outcome of the dispute in Keir's correspondence or papers save that another petition from the tenants was presented to the duke in 1781,¹⁰² other evidence suggests the price for the tenants remained unchanged. The statistical account entry for the parish, dated 1791, noted the price of marl for the duke's tenants remained at three pence per boll, while strangers paid four pence, those living at a distance of three miles paid two and a half pence, and those living over five miles away paid two pence. Similarly, it notes the amount used per acre as between 60 and 70 bolls (the amount Keir had specified in the leases), adding that 'its excellent quality increases the demand; for it fully satisfies the most sanguine expectations'.¹⁰³ The accounts for the marl works show that a profit was made in the years 1781 and 1782 (of £52 and £84 respectively),¹⁰⁴ but the only other surviving entry, for the year from September 1796, indicated a loss of £1.8.11.¹⁰⁵

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ N.A.S. GD 224/657/51, William Keir to Duke of Buccleuch, 12 April 1781.

¹⁰² *Ibid.*

¹⁰³ OSA Eckford, p. 25. The account also stated that 60 to 70 bolls per acre were sufficient.

¹⁰⁴ N.A.S. GD 224/346/1, Vouchers of Mr Keirs Accompts from 1 January 1779 to 1 January 1784.

¹⁰⁵ N.A.S. GD 224/349/7, Vouchers of Mr Keirs Accompts 1797. This apparent decline in use may also be due to the opening of a lime quarry ten miles from the estate by 1791. OSA Eckford, p. 26.

The dispute over the marl came at a point when Keir was increasingly under pressure to defend the growing expenditure of his programme of improvements as a whole. As early as November 1773 Keir had complained of wilful obstruction towards his attempts to introduce the new plan of management to the duke's Canonbie estate.¹⁰⁶ Keir blamed William Little, the Baron Baillie for Langholm and one of the duke's officers, for 'industriously' spreading bad advice to the tenants of Canonbie, saying that the farms of the new arrangement 'are a great deal too dear', and spreading the idea amongst them 'that they are oppressed'. Keir noted at the time,

I am very confident so long as these practices are allowed there will be obstructions thrown in the way to prevent every alteration you Grace may propose to make in your estate[.] I see very plainly that there is a design to render the progress of these alterations so slow as possible & likewise to make every thing I propose seem extravagant and by that means hurt me in your Graces opinion. If Mr Little was the only person I had any apprehensions from the man and his actions would be too little to desire my notice. But I cannot help observing that Mr Ogilvie had no great inclination to forward these alterations[.] I dare say that your Grace had observed that all the difficulties which could any way obstruct the sett of the Cannoby farms at present has been started. Your Grace will easily see if you never make any alterations in your Estate untill no difficultys are found in doing it that it must remain in the same situation for ever.

Keir continued that although he did not suggest that William Ogilvie had openly encouraged Little, he 'could name more than one instance which shows plainly Mr Ogilvie had a design of preventing this plan of the Cannoby farms taking place at present if not to overturn it altogether'. Keir ended his letter with the first of what would be many threats of resignation over such matters:

It was the advantage which I clearly saw would arise to the estate from these alterations which made me first propose them and I have reason to hope your Grace sees it in the same light. I wish My Lord to serve you in such a manner so as will do some honour to myself. Every man of character wishes to do so. I should be very sorry to serve your Grace longer than I can do honour to myself in your service and no longer than I deserve some share of your Graces confidence.¹⁰⁷

No reply from the duke survives, but a letter from Keir to Buccleuch the following April indicates a softening of position on the part of Keir.

¹⁰⁶ N.A.S. GD 224/657/1/15, William Keir to Duke of Buccleuch, 28 November 1773.

¹⁰⁷ *Ibid.*

It shall always be my endeavour to keep up a friendly correspondence with Mr Ogilvie. Our duty no doubt requires we should act in concert and my inclination lends me to it. It would be a continual oppression upon my spirits to be obliged to do business with a person I was not on good terms with[.] I am very certain there never would have been the hard ground for any difference between Mr Ogilvie and me if it had not been industriously begun and formented by other people however I hope that will now have no effect.¹⁰⁸

In 1776 Keir drew up a memorial to the duke in order to defend the growing expense of the new arrangements, particularly those of Canonbie and Eckford.¹⁰⁹ Keir stated that representations had been made to the duke that the advantages arising from the improvements made so far were in 'no way adequate' for the level of expense laid out upon them. Keir stated that these criticisms had been based solely on the advance of rent obtained at the outset of the current sets in comparison to the amount spent on implementing the new scheme. Keir argued, however, that the initial increase of rental should be considered sufficient if it provided adequate levels of interest on the capital expended on the improvements. Furthermore, he argued that the criticisms did not take into account the increased value of the farm at the expiry of the lease due to the improvements that the tenants were obliged to carry out. By his calculations the expense of the buildings at Canonbie to date was £1400 and the estate had produced an increase of rent of £123.13, nearly 9% on the capital invested. At Eckford the expense of draining the moss and building came to £1041, compared with an increase of rent of £300. Keir concluded by stating

before these new arrangements were made of those parts of the estate above mentioned the situation of the farms was such that it was impossible for the tenants to make any improvements upon them tho' they had been so well disposed to it. And begs leave further to observe that such a total alteration as was absolutely necessary upon these parts of the estate could not be effected without a considerable expence, but can assure that he has taken every precaution to make this expence to his Grace as moderate as the nature of the [task] could admitt.

Despite these arguments, the growing expense was giving the duke increasing concern. On 19 March 1777 Buccleuch informed Keir that,

¹⁰⁸ N.A.S. GD 224/657/1/19, William Keir to Duke of Buccleuch, 21 April 1773.

¹⁰⁹ N.A.S. GD 224/533/1/1, Memorial for his Grace the Duke of Buccleugh by William Keir relating to the improvements upon his Graces Estate under his management, 1776.

Upon considering the state of my money affairs since I came hear, I find it will be absolutely impossible for me to spare so much for new works repairs etc. as your estimates amount to. I have marked those articles that I think ought to be omitted if possible . . . If any other articles that I have not marked can be deferred to another year I shall be glad.¹¹⁰

In May the duke again restated his position regarding improvement expenditure, requesting 'as little money to be expended this season as you conveniently can', although noting that works already started should be finished if necessary.¹¹¹ Despite the duke's hopes of cutting costs, improvement expenditure continued to climb. In 1776 improvement expenditure came to £1914.18.2,¹¹² while the combined figure for 1777 and 1778 came to £4858.19.10.¹¹³ In March 1780 Keir was called to Dalkeith to discuss the expense of the improvements, the duke noting,

My principal reason for wishing to see you soon was to stop any new operations and to settle the plan for this year. I cannot afford the expence (at present) of last year and the year before, I could even wish to stop what has been already ordered if possible. The 25. of this month will answer very well for me, trusting that you will execute nothing, that can possibly be delayed you may in the mean time inform me what you are doing, and what works are yet unfinished.¹¹⁴

At that meeting Keir was again challenged, this time by the duke's accountant, Alexander Farquharson and his commissioner, John Davidson, as to the benefits derived from the new arrangements of the estates of Canonbie and Eckford in comparison to their costs.¹¹⁵ In return, Keir again responded by way of a memorandum to the duke. Again, the expenditure on building costs (now standing at £3726 for both estates combined) was justified in terms of the advance of rent gained at the new arrangement, so that the advance in rental equalled interest at 9% and 22% for the money laid out on the Canonbie and Eckford estates respectively. Furthermore, it was only as a consequence of the new arrangement of the farms

¹¹⁰ N.A.S. GD 224/655/2/3, Duke of Buccleuch to William Keir, 19 March 1777.

¹¹¹ N.A.S. GD 224/655/2/8, Duke of Buccleuch to William Keir, 9 May 1777.

¹¹² N.A.S. GD 224/345/9, Accompt of charge and discharge of William Keirs intromissions and payments as manager of his Grace the Duke of Buccleugh's woods & director of his Improvements from 1st Jan 1776 to 1st Jan 1777.

¹¹³ N.A.S. GD 224/345/15, Accompt of charge and discharge made by William Keirs manager of the woods and improvements upon his Grace the Duke of Buccleugh's Estates of his intromissions from the 1st Jan 1777 to 1st Jan 1779.

¹¹⁴ N.A.S. GD 224/655/2/19, Duke of Buccleuch to William Keir, 12 March 1780.

¹¹⁵ N.A.S. GD 224/657/1/50, William Keir to Duke of Buccleuch, 22 May 1780.

and farm buildings that had enabled the tenants to pay the higher rental and improve their lands:

the advantages presently arising from these regulations are but triffling; to what may be reasonably expected at the expiry of the leases; when the hedges being grown up, and the other improvements now making by the tenants, being compleat; must necessary enhance the vallue of the grounds.¹¹⁶

Keir conceded, however, that neither the cost of the drain at Eckford nor the expense of supplying thorns for enclosure nor the cost of maintaining these enclosures were included in his account. The drain, Keir stated, would eventually pay for itself, if the tenants' combination could be overturned; and, as to enclosing expenses,

an imediate return cannot be expected for expences of this kind, when it is considered, that the principal part of the expence of inclosing the farms, is laid out by the tenants; and especially when it is considered that the young hedges 'till they become fencable, are rather disadvantageous than otherwise to the farm.

Over the next five years (1779-83) improvement expenditure declined to an average of £944 per annum,¹¹⁷ and Keir's improvements on the Eckford estate were concentrated on those areas of special concern to the duke; the continued plantation of Wooden Hill, and the further improvement of James Church's farm of Mosstower.¹¹⁸

¹¹⁶ N.A.S. GD 224/522/1/3, Memorial by Will. Keir concerning the Improvements made upon his Grace the Duke of Buccleugh's estate, humbly submitted to his Graces consideration, April 1780.

¹¹⁷ N.A.S. GD 224/346/1, Vouchers of Mr Keir's Accompts from 1 January 1779 to 1 January 1784.

¹¹⁸ In November 1783 the duke informed Keir that he was 'desireous to plant a considerable deal more of the hill [Wooden Hill] with firrs', and gave orders to proceed with the plantation the following month. N.A.S. GD 224/655/2/49, Duke of Buccleugh to William Keir, 19 November 1783; *ibid.*, 52, Duke of Buccleugh to William Keir, 6 December 1783. In November 1783 the duke agreed to enclose more of James Church's farm of Mosstower; GD 224/655/2/50, Duke of Buccleugh to William Keir, 29 November 1783. In 1778 the duke had written to Keir 'James Church has complained of the hardships in consequence of carrying materials for the new buildings upon his farm, let me know what can be done to ease him a little of that burden', GD 224/655/2/14, Duke of Buccleugh to William Keir, 12 August 1778.

IV. The outcome of the new arrangement and the set of 1796

By the mid-1780s Keir's predictions regarding the increased value of the farms of Eckford seemed to be coming to fruition. In 1785, when the farm of Grimslaw became vacant, it attracted proposals from two tenants, both of whom Keir considered 'very good'.¹¹⁹ When the farm was eventually set to 'one of the best tenants in that part of the country', for 'a very sufficient rent', Keir concluded 'I should suppose from this, that the other tenants in that estate will not after this have the confidence to complain, that their farms are too high rented'.¹²⁰ According to the statistical account for the parish written in 1791, advances in agricultural practice were also becoming evident, with the writer noting that 'A considerable change in the mode of agriculture has been introduced within these few years'.¹²¹ The old Scots plough pulled by four oxen and two horses had been almost universally replaced by the new 'English' plough pulled by two horses, while the enclosure of land 'with hedge and ditch' was described as being 'prevalent', with 'every farm [having] several upon it, generally in a thriving condition'.¹²² Turnips, broad clover and ryegrass had all been introduced, and although oats and barley remained the most common grains sown, wheat was now becoming more common than before.¹²³ James Church was singled out for his introduction of a new strain of oats, which ripened a month earlier than the common variety, the author noting that 'the reputation of these oats has increased so rapidly, that they are now generally sown in this country, as well as through most other parts of Scotland, several parts of England, and they have even found their way across the Atlantic to America'.¹²⁴ The account also noted that a consequence of the introduction of improved husbandry had been the increased demand for labour, leading to a rise in the wages of domestic servants and an

¹¹⁹ N.A.S. GD 224/657/1/55, William Keir to Duke of Buccleuch, 22 April 1785; *Ibid.*, 56, William Keir to Duke of Buccleuch, 4 May 1785.

¹²⁰ N.A.S. GD 224/657/1/56, William Keir to Duke of Buccleuch, 4 May 1785; N.A.S. GD 224/655/2/53, Duke of Buccleuch to William Keir, 21 May 1785.

¹²¹ OSA Eckford, p. 22.

¹²² *Ibid.*, pp. 22, 24-25.

¹²³ *Ibid.*, p. 22.

¹²⁴ *Ibid.*, p. 23.

increased demand for cottars and their families, whom the author described as 'eagerly desired by the farmers, ready at a call upon every emergency'.¹²⁵

By February 1793, as preparations began for the next set of the estate, due to take place at Martinmass 1796, there was further evidence that the value of the farms had greatly increased.¹²⁶ Keir submitted to the duke a state of the present rents paid for the farms, together with the offers made by the current tenants for a new lease, and a note of the rents that, Keir noted, 'I conceive your Grace is entitled to demand for them'.

Your Grace will observe, that the rents I have proposed for the different farms, are considerably more than what has been offered by the tenants for them; but I have reason to believe that, if your Grace should think it proper to bring these farms into the market, they would at this time, lett at much above my valuation as that exceeds the offers that has been made by the tenants. . . Believing that it was not your Graces inclination to demand the highest rent from your tenants that could be obtained for these farms, and judging that it might not ultimately lend to your Graces advantage to do so, I conceived it to be most proper for me to propose such rents for these different farms as I was confident the tenants could well afford to pay, and humbly to submit them to your Graces consideration.¹²⁷

(Keir's state is reproduced below, in table 1).

Keir noted that a proposal that had been received for the farm of West Mains amounted to £290 (an increase of 58% from the present rent), £50 above his valuation. Keir added: 'I will not pretend to determine how far a tenant could afford to pay this rent for the farm, for a lease of 21 years, and run the risk of a fall in the price of grain and other accidents; I think however it is perhaps the highest rent that could at this time be obtained for it'.¹²⁸ Keir's own proposed rents for the farms amounted to a rise of just over 43.5% on the levels set in 1775.

¹²⁵ The account also estimated that the overall population of the parish had declined by about 130 since 1755 to 952 in 1791. *Ibid.*, p. 24n.

¹²⁶ The farms of Grimslaw and West Wooden were not included in this new settlement, as they had both been set since the new arrangement made in 1775, and had still 'more than half' of the present lease to run. N.A.S. GD 224/657/1/109, William Keir to Duke of Buccleuch, 8 February 1793; N.A.S. GD 224/459 p. 197, State of the rents at present paid for the farms on the estate of Eckford and Lempitlaw; of the offers made by the tenants for a new lease of 21 years, and of the rent which it is supposed they ought to pay, Mr Keir, 1793.

¹²⁷ N.A.S. GD 224/657/1/109, William Keir to Duke of Buccleuch, 8 February 1793. Keir revised his opinion of their market value even higher in May 1794. GD 224/657/1/126-127, William Keir to Duke of Buccleuch, 28 May 1794.

¹²⁸ N.A.S. GD 224/657/1/109, William Keir to Duke of Buccleuch, 8 February 1793.

Table 1: State of the rents at present paid for the farms on the estate of Eckford and Lempitlaw; of the offers made by the tenants for a new lease of 21 years, and of the rent which it is supposed they ought to pay. (By Mr Keir) 1793.¹²⁹

name of farm	tenant	# of acres	pres. rent [£ster]	offer. rent	prop. rent	[shillings per acre] ¹³⁰
West Mains	Alex. Oliphant	199	183	200	240	[24]
Wester Moss 1.	John Heron*		79.10	110	115	
Mosstower	James Church*	199	92	no offer	130	[13]
East Mains	Robert Ormiston*	182	66	}155	100	[11]
East Wooden	part ditto	351	65		120	[7]
Smithy Hill	Mr Paton, minister*	14.5		no offer	18	
Langtoun	James Thomson	259	70	90	95	[27]

NB. It was judged unnecessary to include the farms of Grimslaw and West Wooden in this statement, as there is more than half of the present lease yet to run. There are also seven small tenants in Eckford who pay altogether £70.17.1 rent. These were let at a high rent, from 15/ to 23/ per acre, and it is believed cannot well bear an advance.

1. This offer is made with the view that his Grace shall pay the expence of certain new buildings which Heron proposes to erect upon the farm. The rent proposed of £115, is exclusive of any such obligation on his Grace.

Present rent	£569.15	proposed rent	£818
advance proposed - £248.5			

[* = tenant (or descendant of tenant) prior to new arrangement 1775.¹³¹]

Despite a number of farms being relinquished shortly after the set of 1775,¹³² of the eight tenants holding farms towards the end of the tack in 1793, four were tenants (or the descendants of tenants) prior to the new arrangement in 1775.¹³³

¹²⁹ N.A.S. GD 224/459 p. 197, State of the rents at present paid for the farms on the estate of Eckford and Lempitlaw; of the offers made by the tenants for a new lease of 21 years, and of the rent which it is supposed they ought to pay, Mr Keir, 1793.

¹³⁰ Rounded up to nearest shilling. The OSA for Eckford 1791 noted land rent for the parish being between 10 – 20 shillings, OSA p.25.

¹³¹ John Heron, Robert Ormiston, and the minister Mr Paton are all identified in the rental of 1766, (although by 1797 Ormiston is being described as ‘young Ormiston’, presumably his son). Keir suggested at the 1797 set that it might not be ‘proper’ to grant John Heron a new lease because of his age. N.A.S. GD 224/285/5, Rental of the Baronys of Eckfoord and Lempitlaw with Six Lands in Langton sett 2d. May 1765 for Cropt 1766 being Corn Ground and Back Rent; N.A.S. GD 224/657/2/7, William Keir to Duke of Buccleuch, 4 February 1797. James Church is the son of John, who was granted Mosstower Whitsunday 1770; N.A.S. GD 224/459 p. 109, Instructions & Orders by his Grace the Duke of Buccleugh to William Ogilvie, August 25 [1770]; N.A.S. GD 224/657/1/109, William Keir to Duke of Buccleuch, 8 February 1793.

¹³² See above p. 128.

¹³³ N.A.S. GD 224/285/5, Rental of the Baronys of Eckfoord and Lempitlaw with Six Lands in Langton sett 2d. May 1765 for Cropt 1766 being Corn Ground and Back Rent; Rental of the Grass-Ground etc. of the Barony of Eckfoord sett 1st May 1766 and that from Whitsunday 1766 to

On 3 April, Keir intimated that he had received the duke's instructions for the set, and that he would immediately make an offer of new leases to the tenants, noting, they 'ought, and I hope will be fully sensible of your Graces goodness, in setting them their farms upon these terms'.¹³⁴ Two months later, Keir could report,

I have the pleasure also of communicating to your [Grace] the very becoming manner in which your tenants of Eckford & Lempitlaw received the offers which your Grace has lately made them of new leases; they were all accepted without hesitation; and in order to give a publick testimony of the gratitude they felt for your Graces goodness upon this occasion, the tenants had all agreed to meet at Eckford & proposed I understand no less than to have a whole Ox roasted upon Wooden Hill; but hearing of the circumstance of Lord Dalkeiths coming of age, they judged it proper to postpone their meeting 'till that day; and I understand it was determined amongst them upon further deliberation, that, that part of the ceremoney of the roasted Ox was more proper to be omitted.¹³⁵

In the event, the reset of 1796 was used again to modify the boundaries of the farms and in particular to enlarge James Church's farm of Mosstower. The duke had earlier signified to Keir that he wished to give Church his farm 'upon more moderate terms' than the rest of the tenants,¹³⁶ and in March 1795 Keir suggested adding land from part of East Mains and the whole of Wester Moss to Mosstower.¹³⁷ At the same time 100 acres would be taken off East Wooden and added to West Wooden, with four more acres reserved for plantation,¹³⁸ while the land of the small tenants would be reorganised, giving Church a further 66 acres to the 125 he was to receive from Wester Moss.¹³⁹

The correspondence surrounding the new set also indicated that the new system for renting the mill introduced in 1775 had proved no more successful than the previous arrangement. In 1796 Keir noted that, 'this seemed at the time to be the most proper method

Whitsunday 1767; N.A.S. GD 224/459 p. 197, State of the rents at present paid for the farms on the estate of Eckford and Lempitlaw; of the offers made by tenants for a new lease of 21 years, and of the rent which it is supposed they ought to pay, William Keir, 1793.

¹³⁴ N.A.S. GD 224/657/1/112, William Keir to Duke of Buccleuch, 3 April 1793.

¹³⁵ N.A.S. GD 224/657/1/113-115, William Keir to Duke of Buccleuch, 11 June 1793.

¹³⁶ N.A.S. GD 224/657/1/109, William Keir to Duke of Buccleuch, 8 February 1793.

¹³⁷ N.A.S. GD 224/459 p. 237, Mr Keirs report respecting some farms in the estates of Eckford and Lempitlaw, and also respecting the farm of Borthaugh in the parish of Hawick, 21 December 1796.

¹³⁸ *Ibid.*

¹³⁹ N.A.S. GD 224/459 p. 258, Mr Keirs report of a new arrangement of the farms of Westermoss and of the lands possessed by the small tenants at Eckford, and of the rents proposed to be charged upon the tenants, to commence from Martinmass 1797, 5 December 1797.

of disposing of the mill, but it has turned out a constant subject of discord and litigation among the tenants and cannot be continued any longer upon that plan'. It was decided then that 'it would be advisable to lay a certain part of the mill rent on the tenants whose farms are astricted to it, which they ought to pay in consideration of their being liberated from astriction, and that the mill and the mill lands should be let to some proper person who would engage to keep the mill in proper repair at his own expence'.¹⁴⁰ In effect, exactly what the 1770/71 memorial had recommended.¹⁴¹

As has been indicated above, the new arrangement of the Eckford estate was one of a number of such schemes instigated in the 1770s in the duke's prominently lowland, arable estates such as Canonbie, Wilton, and Lempitlaw in the South Country, and the Dalkeith estate in Midlothian. In many respects these arrangements represented the kind of high investment improvements most commonly associated with Scotland's agricultural revolution: the rationalisation of farm boundaries, the enclosure of fields, and the use of 'improving' leases stipulating farming methods and land use. These methods, however, were not so easily applicable to the upland, predominantly pastoral estates that formed the bulk of the duke's South Country holdings. And it is to the attempts to improve these estates that this thesis now turns.

¹⁴⁰ N.A.S. GD 224/459 p. 241, Mr Keirs report respecting some farms in the estates of Eckford and Lempitlaw, and also respecting the farm of Borthhaugh in the parish of Hawick, 21 December 1796.

¹⁴¹ N.A.S. GD 224/459 p. 114, Memorial concerning the corn milns on his Grace the Duke of Buccleugh's estates in the countys of Dumfries, Roxburg, Selkirk, & Peebles, [nd but by position in book between August 1770 and July 1771].

Chapter 5: Improving the Estate II

The upland estates 1767-1812

The duke of Buccleuch's predominantly upland estates of Ettrick Forest, Teviotdalehead, Eskdale and Liddesdale formed by far the largest part of the South Country estates, comprising of tens of thousands of acres of the central Southern Uplands massif, stretching over southern Roxburghshire, southwest Selkirkshire and northeast Dumfriesshire. As an estate report of 1767 summarised, this was 'a country of great extent, but from its soil and climate not suited for much artificial improvement in the way of agriculture. Its chief purpose being for sheepbreeding, and whatever plan of improvement may be thought of, this grand purpose should ever be kept in view, and the means to be used made subservient to that end.'¹ This chapter charts the development of management policy regarding the improvement of these upland sheep farms during the duke's personal administration. In particular, it focuses upon the evolution and eventual implementation of William Keir's innovative scheme to reform the management of these farms by regulating their rent in accordance to the market value of their produce.

I. Sheep farming on the Buccleuch estate

Commercial sheep farming was introduced to the Southern Uplands from the eleventh century onwards by the Border abbeys of Melrose, Jedburgh and Kelso, and by the end of the sixteenth century large-scale sheep farming had become established throughout the region.² The

¹ N.A.S. GD 224/389/2/1, Hints for improving the Duke of Buccleuch's Estate, April 1767 [William Ogilvie].

² Robert A. Dodgshon, 'Agricultural Change and its Social Consequences in the Southern Uplands of Scotland, 1600 - 1780', in T. M. Devine and D. Dickson (eds.) *Ireland and Scotland, 1600 - 1850* (Edinburgh, 1983), pp. 47-48.

composition and structure of the sheep farms of the Buccleuch estates are first revealed by two surveys carried out by the estate, the first dating from the 1680s noting stocking levels, the second, from 1718, which includes the farm sizes. Analysis of these surveys by R. A. Dodgshon has provided a general picture of the farm structure upon these estates at the turn of the eighteenth century, from which two main types of holding emerge. In the lower reaches of the valleys where more low-lying land was available, farm sizes tended to be small - generally under 200 acres. Higher up the valleys where the flat land narrowed and farms consisted predominantly of hill ground, farms tended to be of between 500 – 1000 acres, and the practice of tenants holding more than one farm meant that the average 'working units' were quite often in excess of 1000 acres. Following the same pattern, those farms further down the valleys where more arable land was available, tended to hold smaller numbers of sheep, whereas the largest flocks were concentrated in the highest districts. In 1681 45% of the upland farms consisted of flocks greater than 500 sheep, with 13% holding over 1000; two years later a further survey showed 57% of farms with over 500 sheep with just under 18% carrying more than 1000.³

Dodgshon's analysis of the sheep farming areas of the Southern Uplands prior to 1780 (and based partly upon evidence drawn from the Buccleuch estates), has revealed the 'growing ascendancy' of large-scale commercial sheep farming from the late seventeenth and early eighteenth centuries over what he describes as a once 'fairly substantial subsistence sector'. Far from being a 'laggard sector' in terms of agricultural improvement, Dodgshon argues that by the mid-eighteenth century the upland farms of the Southern Uplands were in fact in advance of the lowland areas in terms of structural change and commercial orientation and, as such, were well placed to respond to the demands of the expanding market for sheep products.⁴ Evidence

³ *Ibid.*, p. 50

⁴ *Ibid.*, p. 46: Elsewhere, Dodgshon notes the primary markets for the livestock of the region, either as leanstock to be later fattened or as meat were the northeast coal field, the textile centres of Lancashire and Yorkshire, and the central belt of Scotland, while the Yorkshire woollen industry was the main market for

suggests that these trends had continued up to the time of the duke's majority in 1767. As has been discussed in chapter 1 of this study, by 1766 multiple tenancies accounted for only one third of holdings upon these estates, while payment in cash was universal.⁵ Although evidence for farm size and stocking levels is limited, this too suggests an increase both in the size of working units and in the number of sheep held. On the 42 upland farms on the Ettrick forest estate in 1767, 76% held more than 500 sheep, with 38% of the total possessing flocks of over 1000 sheep,⁶ while an account of sheep farming in Eskdale and Teviotdale dating from the early 1770s estimated the average size of sheep farm in that district as between three and four thousand acres.⁷ The same account noted the predominance of sheep farming within these farms, noting 'the cows which [the farmer] keeps, and the corn which he sows, seldom do more than maintain his family'.⁸ The importance of the upland sheep farming sector within the Buccleuch estates as a whole was also increased by the fact that a significant amount of the new purchases made during the duke's minority were of upland estates, particularly in Ettrick Forest and Eskdalemuir in upper Eskdale.⁹ By the beginning of the duke's personal administration in 1767 upland sheep farms accounted for over £10,200 in rental, representing 59% of the gross rental of the entire South Country estates.¹⁰

wool. Writing in the early 1770s George Malcolm noted the main markets for wool as 'sometimes at Edinburgh, and sometimes in England', while livestock were 'mostly bought by the English for feeding'. Dodgshon, 'The Economics of Sheep Farming', pp. 554-555; George Malcolm, 'A letter from Mr George Malcolm concerning sheepfarms, etc.', in Thomas Pennant, *A Tour in Scotland and Voyage to the Hebrides 1772* (Chester 1774, 1776: Edinburgh, 1998), pp. 729-730.

⁵ See below p. 56.

⁶ Phillippaugh MSS, Note of Stock upon Selkirkshire farms of Buccleuch Estate in 1766, reproduced in T. Craig-Brown, *The History of Selkirkshire or Chronicles of Ettrick Forest* (Edinburgh, 1886), vol. II, pp. 394-5.

⁷ Malcolm, 'concerning sheepfarms', p. 728.

⁸ *Ibid.*, p. 728.

⁹ N.A.S. GD 224/584/11/4, Note of purchases made for his Grace the Duke of Buccleugh and of the prices and yearly rents thereof, July 1759.

¹⁰ N.A.S. GD 224/285/5, Rental 1767.

II. Initial reforms 1767-1778

The first plan for reforming the management of the Buccleuch sheep farms under the third duke dates from the end of his minority, with the drafting in April 1767 of a memorandum entitled 'Hints for improving the Duke of Buccleuch's Estate' by William Ogilvie.¹¹ Directing his plan specifically at the duke's upland estates of Ettrick Forest, Teviotdale, Eskdale, and Liddesdale, Ogilvie argued for the introduction of two measures which would tend towards to their improvement: the reform of the management of their 'croft' or arable land, and the introduction of plantation belts to provide shelter. In a summary of the infield – outfield system of husbandry prevalent on the croft land of these farms, Ogilvie concluded that,

the effect of [this] is, [the] taking up a great deal of land, with much labour & little increase, and that still rendered the less by the extraordinary humidity of the climate, late & early frosts, and every inclement circumstance of weather, that the high & open situation of the country is naturally subject to.¹²

Ogilvie's solution was the 'setting off' of each farm's croft land, laying it as 'compact & convenient' for the dwelling house as possible, and separating it from the grazing land with stone walls topped by hedgerow. This was then to be subdivided into enclosures of between four and ten acres, divided by ditch and hedge. The tenant would be restricted from taking more than two 'white' crops (i.e. cereals) without an intervening 'green' crop (i.e. sown grasses such as rye grass and clover), and was to ensure that half the enclosed land would be in grass at the expiry of his tack.¹³ If this method was followed, Ogilvie argued, the croft land would produce enough

¹¹ N.A.S. GD 224/389/2/1, Hints for improving the Duke of Buccleuch's Estate, April 1767 [William Ogilvie].

¹² *Ibid.*

¹³ Ogilvie outlined a more detailed five-year rotation, but believed that a more general one would be easier to implement. 'The one half of these corn and the other half in Hay & pasture alternatively & by Succession in manner following viz. After an Inclosure is once cleared & m[a]nured by a sufficient fallowing, lay it down with Barley and Grassseeds for a Hay Cropt the two following years and to pasture

corn to maintain the farmer's family and also provide sufficient hay for feeding his sheep in case of a hard winter. Furthermore, by limiting his sowing to the stipulated areas, the farmer would preserve his 'lie ground', i.e. that most capable of producing early grass for his sheep in the spring. Ogilvie concluded that 'one acre of corn under proper management would produce equal to two in the present way, and the crop more certain'.

The second part of the plan involved surrounding the enclosed arable land, with a shelterbelt of trees 100 feet broad, which, in addition to providing shelter for sheep, would 'greatly contribute to the warming of the ground'. Where the nature of the ground made such a plantation unnecessary or impractical, Ogilvie advised that separate 'detached plantations' of no less than four acres should be made in the sheep fields. Although primarily for shelter, it was noted that 'the utility of these when grown up, and the profit & advantage thence arriving to the Family are so obvious, that no consideration should divert the execution of this universally in some degree or other, as indeed the country requires it upon various accounts'.

Ogilvie concluded his report by noting that whatever plan of management was eventually adopted, the 'execution of the terms should be strictly enjoined', with the tacks expressly noting that 'every wilfull contravention or neglect' would render the tack void. To enforce this, the respective chamberlains would be ordered to visit every farm once a year and report on any contravention of the articles of the tack, and if necessary, proceed with its voiding; Ogilvie noted that 'an instance or two of such a disagreeable proceeding would effectually cure the evil in time coming'.¹⁴ No initial response to Ogilvie's plan seems to have been recorded, and following the decision not to implement the general set in 1768, the sheep farms continued

it the third, after which it may be broken up again with two Cropts of Oats and the third – Barley & Grassseeds again & so on Successively'. *Ibid.*

¹⁴ Ogilvie noted that an act to enable a tack for 'a number of years certain' would be necessary as 'It is not perceived that a Tennent will Subject himself to the risque, care & dayly attention & trouble that is necessary and inevitable in the raising & preserving of Hedges and planting, unless he shall have a prospect of being rewarded by a certainty of possession to himself or his heirs.' *Ibid.*

to be set annually for the next ten years with no stipulations apart from those included in the duke's general declaration of 1768.¹⁵

Ogilvie's report highlights one of the central problems that would face any attempt to improve the sheep farms. The technical innovations to agricultural practice that were being applied to the lowland parts of the Buccleuch estates could have only a limited application upon these upland areas where, as Dodgshon's research has indicated, the arable sector of farming had been declining over the course of the century.¹⁶ The situation was summarised by one upland sheep farmer writing in the early 1770s; 'Though the country was in a complete stat[e] of improvement, it is probable the hills will never be enclosed, as nature seems to have intended them for breeding cattle . . . so long as they are applied to that purpose, and I think they never can be made fit for any other, they cannot pay the expense of enclosing'.¹⁷ The account continued, noting that substantial rent increases over the past twelve to fourteen years had 'made Highland farming very uncertain; as no improvements which meliorate the farms can be made; but they entirely depend upon the rise and fall of the markets'.¹⁸ It would be an awareness of this very problem - the relationship between the levels of rent, the market price of a farm's produce, and the potential for their improvement - that would form the basis for William Keir's plans to improve the upland estates.

Despite his initial concentration on the improvement of the low-lying and predominantly arable areas of the estate, evidence suggests that William Keir viewed the reform of the management of the estate's sheep farms as a priority from the beginning of his tenure as overseer

¹⁵ See above p. 100.

¹⁶ Dodgshon, 'Agricultural Change', p. 56. One obvious exception to the application of such technical innovations to the region was the introduction of the 'improved' Cheviot breed of sheep which, by the early 1790s, was reported as rapidly replacing the Black-faced breed in Ettrick Forest, Ewesdale and Liddesdale. Despite involvement in attempts to introduce and improve other breeds of animals, there is no evidence of the estate playing any part in the introduction of these sheep. Dodgshon, 'The Economics of Sheep Farming', pp. 555-556.

¹⁷ Malcolm, 'concerning sheepfarms', pp. 728-729.

¹⁸ *Ibid.*, p. 730.

of improvements. Keir had begun to collect information on lamb and wool prices in 1774 and in early 1776 presented the duke with his first memorial on the subject.¹⁹ By March of the following year Keir could report to the duke that he had improved upon his initial proposal and that he was now 'fully convinced if this scheme were properly executed your Grace might make a pretty considerable advance upon the Estate without distressing your tenants and have the Estate at the same time considerably improved'.²⁰ Keir concluded

If your Grace should think it right for me to proceed any farther in this affair I must beg of your Grace to keep the matter at present to yourself. if it should any way come abroad in this country that such a regulation is intended the tenants are so jealous of their interests it would make it difficult for me to obtain any farther information which it may be necessary to have.²¹

The duke replied by reassuring Keir that his scheme had not been mentioned to any one and would not be so until Keir had completed his investigations.²² In early June, Keir sent the duke an estimate of the yearly value of his sheep farms in the parish of Ewes, in Eskdale, the accompanying letter of which provides the earliest extant outline of his scheme.²³ Keir noted that his estimate of the value of these farms came from calculations based on information he had obtained on the levels of stock kept upon each farm, together with the present price of 'cattle' (i.e. sheep) in the country, and upon other considerations relating to the management of sheep farms in general. By his estimation, the farms of that parish could afford to pay 2 shillings 6 pence per sheep of rent, provided that the price of sheep continued at the same level as it had for the past eight or ten years. Keir was keen to stress, however, that the levying of this higher rent,

¹⁹ N.A.S. GD 224/459 p.172, Register of prices paid for the best lambs and wool produced upon his Grace the Duke of Buccleuchs estate comencing from the year 1774, [1791]; The first memorial has not been traced but is alluded to in a letter of the following year. N.A.S. GD 224/657/1/37, William Keir to Duke of Buccleuch, 28 March 1777. In February 1790 Keir noted 'this scheme of equalising the rents of the sheep-farms appeared to me very early, to be an object of the greatest importance', and as early as 1774 Keir had begun to collect data on lamb and wool prices. N.A.S. GD 224/657/1/77, William Keir to Duke of Buccleuch, 26 February 1790.

²⁰ N.A.S. GD 224/657/1/37, William Keir to Duke of Buccleuch, 28 March 1777.

²¹ *Ibid.*

²² N.A.S. GD 224/655/2/8, Duke of Buccleuch to William Keir, 9 May 1777.

²³ N.A.S. GD 224/657/1/43, William Keir to Duke of Buccleuch, 4 June 1777.

was not the primary purpose of his estimate. Although he noted that this rate of rent was currently being paid on another estate in that parish, Keir stated that 'this is a rent I will by no means advise your Grace to require from your tenants', noting that, 'a moderate well paid rent is better to your Grace than a high rent ill paid'. Keir continued outlining the purpose of his scheme;

All I mean by sending your Grace this estimate is to show that the real value of these farms may be known and an equal rent may by that means be established upon the estate, which was my principall motive for proposing this scheme. I have reason to think that there are much greater inequallity in the present rents of the farms in other places of the estate than in Ewis. If my information respecting the present rents is just there are some farms would require to be almost doubled to make them equal to others that are thought high, and I have no reason to think that there are any farms upon your Graces estate sett at present at a higher rent than other Gentlemen in the neighbourhood sett their ground. This inequality of the rents is attended with mischievous consequences which I have sufficiently experienced ever since I came into your Graces service. It is the cause of continual discord and animosity amongst the tenants, and has been the principal cause of all the opposition and combinations that have been formed in order to thwart the new regulations on the other parts of the estate. These Gentlemen who occupy these lucrative farms are extremely jealous of the most distant appearance of an inquiry into the present situation of the estate. So long as the cause of this wil[l] continues I may venture to say that no servant your Grace may have who means to discharge his duty conscientiously and act impartially amongst the tenants can do his business with pleasure, or with satisfaction to himself or your Grace.²⁴

Keir argued that the implementation of such a 'proper regulation of the estate' founded upon the estimated value of the sheep farms would remove not only these impediments to improvement, but that it would enable the duke to increase the rental considerably, 'without giving cause to say that you have racked the rents', although he noted 'I have no doubt but your Grace will gain honour from the moderate use you will make of this information'. By becoming acquainted with the 'real' value of every farm upon the estate based upon the worth of each farm's produce, Keir continued, the duke would be able to arrive at 'an established value' for setting the estate 'in all time coming', as 'the value of the farms must always be in proportion to the price of the cattle'. Furthermore, by this means the duke would have it in his power to make 'considerable

²⁴ *Ibid.*

improvements' upon the estate both for his own and the tenants' advantage. Keir stated that the most proper way to proceed with his scheme was for the duke to appoint one or two 'judicious honest men' that were unconnected with the estate. From Keir's estimations and their own appraisal of the quality of the stock upon each farm, a rent would be fixed for each farm. This use of men from outside the duke's establishment was to be essential, argued Keir, as, even though, 'any of your Graces servants were ever so well qualified to make this regulation and were to do it ever so impartially I am confident he would be under the imputation of having been influenced by partiality'. Keir concluded by stating that if this new regulation were attempted, it could be expected that there would 'be violent opposition and strong combinations formed to render it ineffectual', but that he believed that 'a little resolution will soon get the better of these oppositions'.²⁵

The next mention of the scheme in the estate correspondence came the following January, when the question of opposition to the plans was again raised. Keir was writing to the duke in the context of a complaint against him made by one of the duke's tenants.

I have no kind of apprehension of suffering by these complaints provided your Grace will favour me in one request. That is, not to allow these complaints to operate to my disadvantage untill I have had an opportunity of justifying my own conduct. I have the more reason to make this request at present because I know there are many designs on foot to injure me in your Graces opinion. And their principal motive is to prevent a regulation which it is known I have proposed to your Grace from taking effect. I mean the proposal relating to the sheep farms. And I know it will be considered as a point gained if it can only be got put off for the present. However, I trust if your Grace has any inclination to have your estate put upon a proper footing that you will not lay aside that scheme untill you are better convinced of the impropriety of it. Since I have made such a proposal to your Grace, I think it is incumbent on me to show, that it is not a chimerical scheme. I am confident if it is properly executed it [will] turn out very much for your Graces interest. And I have expectations from the moderate use I know your Grace will make of the information I shall give you, that I shall have some credit as the proposer.²⁶

In February Keir met with the duke, his commissioner John Davidson, and William Ogilvie at Dalkeith House. Although no minutes of the meeting survive, it seems that Keir was challenged

²⁵ *Ibid.*

²⁶ N.A.S. GD 224/584/9/11 [2], William Keir to Duke of Buccleuch, 14 January 1778.

regarding his scheme and that in the process the very nature of his commission was called into question.²⁷ In a letter written later that month, Keir set out his opinion on the nature of his role in general, and, in particular, the relationship between himself and the chamberlain, William Ogilvie.

I never had an idea, nor did I ever w[h]ich your Grace should adopt any plan proposed by me, without taking every other persons opinion that your Grace might think proper. I am not affraid but every plan I have hitherto proposed which your Grace has been pleased to adopt will vindicate their own propriety, your Grace cannot be insensible that Mr Ogilvie never did approve of any of these plans, but that he opposed them. I consider the commission I have the honour to hold under your Grace as giving me an opportunity of employing my time and ability for your Graces interest and my own credit. It points out a clear line of business which your Grace has been pleased to interest to my care without the interfrance of any third person. It is my wish and desire to live upon the most amicable terms with Mr Ogilvie and shall do every thing in my power to prevent any sort of disputes with him. At the same time your Grace cannot miss to have observed that if I had been under Mr Ogilvies direction in the manner Mr Davidson seemed to propose the most material services it has been in my power to render to your Grace since I came into your service would have been prevented.

Keir ended his letter by noting that he had intended to send the duke a state of his scheme, but 'as I find that affair is intirely settled I have laid aside that intention as it now serves no good purpose'.²⁸ In September 1778, the sheep farms on the duke's estate were set on a nine-year lease with no attempt to implement Keir's proposals for a new regulation.²⁹ The leases were, however, accompanied by a printed declaration of conditions that set out a number of changes to their management, several seemingly based on William Ogilvie's suggestions contained in his

²⁷ Keir noted, 'In the last conversation I had the honour to have with your Grace at Dalkeith, it gave much uneasiness to find that your Grace should be in any kind of doubt with respect to the nature of my commission. Your Grace was so good as to desire me to put my own ideas of it in writing. But from a previous conversation which Mr Davidson took occasion to have with me on that subject, I had reason to apprehend that it was intended to carry matters to extremity and leave me only the choice of an alternative. I therefore begged leave to decline it untill I should have the advice of my friends being desirous to be justified in their opinion of what would be the consequence'. N.A.S. GD 224/657/1/45-46, William Keir to Duke of Buccleuch, 27 February 1778.

²⁸ N.A.S. GD 224/657/1/45-46, William Keir to Duke of Buccleuch, 27 February 1778.

²⁹ Although issued in September, the leases were granted retrospectively from Whitsunday 1778. N.A.S. GD 224/522/3/13, Declaration by the Duke of Buccleuch, relative to the conditions of the leases upon his estates in the counties of Roxburgh, Selkirk, and Dumfries. 4 September 1778; N.A.S. GD 224/522/1/8, Memorial concerning the allowance of Materials for building upon his Grace the duke of Buccleugh's estate submitted to his Graces consideration, William Keir, 7 August 1787.

1767 'Hints'.³⁰ These conditions contained a number of stipulations regarding the regulation of the 'corn' or arable land on the farms. The outfield arable land was not to be broken up unless properly manured before hand and then only three successive white crops could be taken before the ground should be again left in grass for five years. Only one third of the outfield land was to be in crop at any one time, and the infield was to be 'laboured and manured properly', the only other stipulation being that it should not be used for more than two successive crops of oats. The duke was also to be given the power to enclose ground for plantations up to the amount of three acres per hundred of the farm, and was to be responsible for the maintenance of any fences that were to enclose these 'woods and plantations'.³¹ It was further noted that the lease would become forfeit 'if the tenants or their servants or cottars, break down the fences about the woods or plantations'. In addition to these regulations seemingly based on Ogilvie's suggestions, there were a number of other stipulations. The duke was to furnish wood for the repairing of houses and, if any tenant were to build houses on the farm 'with lime, or cover any with slate', the duke would allow stone to be taken from his quarry and would furnish 'the lime, foreign wood, and slates', which the tenants would be at their own expense to carry.³² The duke was to have the right to work mines or quarries upon the properties and to 'excamb', straighten and regulate boundaries with both neighbouring proprietors and between tenants. There was to be a 'mutual privilege of passage' over all open sheep pastures to allow the duke's tenants to travel with cattle over each other's farms, to fair, markets and 'summer farms', providing that corn ground and

³⁰ N.A.S. GD 224/522/3/13, Declaration by the Duke of Buccleuch, relative to the conditions of the leases upon his estates in the counties of Roxburgh, Selkirk, and Dumfries. 4 September 1778.

³¹ The tenants were to be responsible for the upkeep of all other fences on their property.

³² In August 1787 Keir noted that it had been his responsibility to inspect the building work carried out in consequence of this regulation, and noted 'The memorialist [has] had occasion to observe the good effects of the encouragement given by his Grace for the improvement of buildings upon the estate, and as much remains to be done in that way, he humbly presumes to offer it as his opinion, that it would be proper for his Grace to continue it.' N.A.S. GD 224/522/1/8, Memorial concerning the allowance of Materials for building upon his Grace the duke of Buccleugh's estate submitted to his Graces consideration, William Keir, 7 August 1787.

meadows were avoided and their progress was made with 'all convenient speed'. The tenant was also given the option of being freed from his astriction to the 'usual mill' if he were to pay an annual payment, along with the other astricted tenents, 'not exceeding the present rent of the mill'. Finally, all former declarations by the duke regarding allowances for repairs and improvements upon the farms were to be considered as discharged by the tenants by their entering into the new lease.³³

No record survives of why Keir's initial scheme to regulate the sheep farms was rejected, but by 1778 there were a number of factors that were unfavourable to the implementation of such radical reform. The prices for the produce of the sheep farms had been dropping for a number of years, suggesting a difficult economic climate for the adoption of such a scheme. According to data compiled by Keir, by 1778 the price of wool sold in Langholm had dropped by 7% since 1774, while in the same period the prices for lamb had fallen by over 19%.³⁴ Furthermore, and as has been discussed in the previous chapter, by 1778 there were increasing concerns amongst members of the duke's establishment over the cost and effectiveness of Keir's new arrangements of the lowland estates and of the overall level of improvement expenditure.

³³ N.A.S. GD 224/522/3/13, Declaration by the Duke of Buccleuch, relative to the conditions of the leases upon his estates in the counties of Roxburgh, Selkirk, and Dumfries. 4 September 1778.

³⁴ Lamb decreased from 4 shillings 9 pence to 3 shillings 10 pence, wool from 7 shillings to 6 shillings 6 pence. N.A.S. GD 224/459 p. 178, Register of prices paid for the best lambs and wool produced upon his Grace the Duke of Buccleuchs estate comencing from the year 1774. This drop is also consistent with the price trends identified by R. A. Dodgshon, 'The Economics of Sheep Farming', p. 552.

III. The new regulation of 1792

Although it is unclear precisely when Keir's scheme to reform the management of the sheep farms was put back on the agenda, the decision to do so seems to have originated from the duke himself. Keir later noted that due to the earlier rejection of his scheme, it was not until the duke 'expressed a particular desire that I should do so', that he had again submitted a report regarding his proposals.³⁵ The first indication that Keir's scheme was again being considered came in early 1790. In a letter to the duke of 26 February, Keir referred to a proposal made by the chamberlain, Adam Ogilvie, to join with Keir in making out a scheme for the regulation of the sheep farms. Keir continued, indicating that for a number of reasons, this proposition put him under some difficulty and gave him 'no small conserne'. Firstly, he noted that his 'scheme of equalising the rents of the sheep-farms' had 'appeared to me very early, to be an object of the greatest importance', and that despite the opposition that had been made when he had first proposed it, he had continued to believe that the duke would 'some time or other, be inclined to obtain such a regulation'.

I have therefore ever since that time, kept the object in view, and have spared no labour, or lost any opportunity of collecting such information as might enable me to assist your Grace in this matter, when ever your Grace might be pleased to signify your desire for it, and I trust & hope that your Grace will not think it unnatural if after spending so much trouble in this matter for fourteen years, I feel a desire to reap the credit of my own labours & my own scheme.³⁶

However, Keir noted that if the duke's interest required him to, he would happily 'relinquish every claim of that kind', but added there was a second, more important reason for not wishing Ogilvie to become involved. Keir described that he had recently obtained information that showed that Ogilvie had commissioned two of the duke's tenants to collect information about the value of farms upon the Liddesdale, Teviotdalehead and Eskdale estates.

³⁵ N.A.S. GD 224/657/1/84, 'Copy of part of a letter from Mr Keir to Mr Ogilvie, 16 January 1792 transmitted [to the duke of Buccleuch] by the former'.

³⁶ N.A.S. GD 224/657/1/77, William Keir to Duke of Buccleuch, 26 February 1790.

I shall not make any observations respecting the conduct of these gentlemen upon a former occasion; but I would beg leave to submit it to your Grace, if there is not at least some ground of suspicion, that these people who possess such considerable farms themselves, under your Grace, and are so extensively connected with the other principle tenants upon the Estate, would not give in a very impartial report of the value of the farms; and I presume your Grace is pretty sensible, that Mr Ogilvie can have had little opportunity of gaining much knowledge of the various particulars that constitute the value of these farms, except from such men. Your Grace may perhaps think it extraordinary but it is true, that I am at this time in possession of a copy of the report given in to Mr Ogilvie by the persons before mentioned of the stocks upon the farms in Liddesdale, which I find is in general very erroneous. These being the case we should almost unavoidably differ in opinion in the very first outset; and I must beg your Graces pardon for taking the liberty to observe, that the remembrance of what I suffered formerly from such disputes, makes me very cautious of putting it again in any mans power to use me ill.³⁷

Keir argued that his continued attention to this matter over so many years meant that he was now in a position confidently to offer his services to the duke to 'execute the regulation proposed, to your Graces satisfaction'. Keir then proceeded to outline his proposal:

I would propose in the first place, to lay before your Grace three different states of the rents of those farms, opposed to each other in three different columns; in the first column will be a state of the real value of each farm made up from the prices of the different articles of the produce at the time; in the second a state of the rents presently paid for each farm; and in the third, an equalised state of the present rents. I would also propose to lay before your Grace a report of the particular situation of each particular farm, and of every other circumstance relating to them, that may be judged usefull to your Grace & deserving of attention. I have it also in contemplation to make out tables for your Graces particular use, where your Grace will at any time upon being informed of the situation of the marcates, see at one glance, what rents your farms can afford to pay.

Keir concluded by once again reiterating that he would not advise the duke on what increase in rent should be made upon these farms.³⁸

On 13 March, Keir wrote again to the duke on his proposed 'regulation'. Here he was keen to stress that he did not want to offend Ogilvie, with whom he had always been on 'a very friendly footing', by having him hear 'of measures upon the estate, that he had not been previously acquainted with'. Keir planned to explain to Ogilvie at the first opportunity the nature

³⁷ *Ibid.*

³⁸ *Ibid.*

of his scheme in a way 'that I hope may not give offence'. Keir explained that the reason he had not hitherto informed Ogilvie of the particulars of his scheme was for fear that in doing so he might betray 'the confidence reposed in me' by certain people on the estate, described as 'particularly intelligent in the affairs of the country', who had agreed to furnish him with the necessary information for compiling his scheme. 'If I should subject such people', he continued, 'to the risk of displeasure of their neighbours . . . it would make it exceedingly difficult for me to procure any further information'. Keir continued that in order to obtain information he had promised to recommend to the duke two people whom he had found particularly helpful, who were keen to become tenants upon the estate. Keir suggested if the duke would be willing to give him the authority to offer farms to 'three or four' such people, all of whom were of good character and would make 'proper' tenants, it would greatly aid his undertaking. He concluded by once again stressing the possible unpopularity of the new regulation:

I am well aware that the business I have undertaken is an invidious one; but I know also that I am discharging that duty I owe your Grace; and have no improper design to injure any one individual, and I have moreover no sort of apprehension that this regulation will not justify itself to all the world, notwithstanding the clamours that will understandably be made against it, & me, by interested individuals.³⁹

The next mention of the progress of the scheme came a year later in February 1791. In a letter to the duke, Adam Ogilvie noted that from the duke's continuing business in the House of Lords regarding the election of Scots Peers he had inferred that the duke had laid aside any plans of letting the estate that year. He continued, expressing some reservations towards the scheme:

Indeed it is too late already, both for your Grace and your tenants, to attempt the full execution of so extensive a scheme. It must have a fuller and more leisurely deliberation; and the experience of this spring may add a little to our wisdom. The sheep have had a bad winter, and should the spring prove bad also, according to common opinion, there should be a very great mortality; for they are certainly well prepared for death.⁴⁰

³⁹ N.A.S. GD 224/657/1/79, William Keir to Duke of Buccleuch, 13 March 1790.

⁴⁰ N.A.S. GD 224/659/3/32, Adam Ogilvie to Duke of Buccleuch, 8 February 1791.

On 12 May the duke wrote to Keir from London, confirming that, although he still had hopes of coming to Langholm before Whitsunday, the arrangement of the sheep farms would certainly be delayed until the following year. He continued,

I have considered your scheme with as much attention as my various occupations have allowed of and approve very much of the fruits of your long intricate labour. It will be more satisfaction to me to put your plan into execution, after some conversations upon the spot, business of that sort cannot be transacted by letters.⁴¹

Although, as with the earlier decision to reject Keir's initial proposals in 1778, no mention is made of the wider context for the duke's decision to implement Keir's plan, evidence shows that the stabilising and then gradual rise of prices after a number of bad seasons meant that the sheep farms were now in a noticeably better state. After the drop in sheep product prices from the mid-seventies, prices had begun to level out from the end of that decade,⁴² although in 1781 William Ogilvie observed that there had been a number of 'bad seasons', and that 'for three years past a discompt [had] been given to the tenants of the sheep farms to the amount of £1150'.⁴³ By the mid-eighties, prices had recovered to their 1775 level, and continued to rise:⁴⁴ by February 1787 Adam Ogilvie could report to the duke that 'every commodity found so ready a market, and brought so good a price, that upon the whole, the tenants of the sheepfarms have not experienced a more prosperous year in the memory of any man living'. He concluded 'with very few exceptions, all your tenants are thriving; and without one exception, I have experienced an emulation among them, the small ones especially, to keep their payments forward, and an universal expression of satisfaction with their situation under your Grace'.⁴⁵ This was also reflected by the level of arrears on the property rental of the South Country estates which by

⁴¹ N.A.S. GD 224/655/2/79, Duke of Buccleuch to William Keir, 12 May 1791.

⁴² Dodgshon, 'The Economics of Sheep Farming', p. 552.

⁴³ N.A.S. GD 224/584/10/4, Rental of the estate under Mr Ogilvie crop 1781.

⁴⁴ Dodgshon, 'The Economics of Sheep Farming', p. 552; According to William Keir's prices compiled from Langholm market, by 1784 prices for wool and lambs had returned to their 1776 prices. N.A.S. GD 224/459 p. 172, Register of prices paid for the best lambs and wool produced upon his Grace the Duke of Buccleuchs estates comencing from the year 1774.

⁴⁵ N.A.S. GD 224/659/3/1, Adam Ogilvie to Duke of Buccleuch, 20 February 1787.

March 1790 had dropped from £2115.10.1 the previous year to £1293.15.1.⁴⁶ Although wool prices continued to rise into the 1790s, prices for sheep farm livestock dropped again towards the end of the 'eighties and into the early 'nineties, reaching a low point in 1791, before recovering to the 1788 price around 1795. To summarise, the decision to implement Keir's plan was made in a better economic context than the late 1770s, but before the dramatic increases in sheep product prices of the late 'nineties and early 1800s.⁴⁷

Report on the value of the sheep farms

Keir's 'Report on the value of the sheep farms' was submitted for the duke's consideration sometime in early 1791, certainly prior to the duke's letter of 12 May.⁴⁸ The report, which ran to over sixty pages, was divided into three sections. Firstly an introductory essay outlining the theoretical basis of the report and the methods to be used to ascertain the 'real value' of the sheep farms. This included a table of all the duke's sheep farms listing three different rentals: an 'estimate rent' based on the 'real value' of these farms; a state of the present rents paid upon these farms; and finally, the present rent of these farms 'equalized' in proportion to their 'real value'. The second section consisted of an explanation of the system used to obtain the 'real value' of the farms at any given time, based on the market price of their produce, concluding with a series of tables to be used to calculate these values. The final section of the report outlined certain recommendations regarding the management of the sheep farms,

⁴⁶ N.A.S. GD 224/659/3/29, Adam Ogilvie to Duke of Buccleuch, 20 March 1790.

⁴⁷ Dodgshon, 'The Economics of Sheep Farming', p. 552; N.A.S. GD 224/459 p. 172, Register of prices paid for the best lambs and wool produced upon his Grace the Duke of Buccleuchs estates comencing from the year 1774.

⁴⁸ N.A.S. GD 224/459 pp. 134-196, Report of the value of the Sheep Farms belonging to His Grace the Duke of Buccleuch in the Counties of Dumfries Roxburgh and Selkirk, agreeable to the Rates which the different Articles they produce have been known to sell for in the Market; and of a Plan for regulating the Rents of these Farms by the variations in the Markets that may hereafter happen; and also of some regulations that appear necessary to be made upon these farms. Humbly submitted to His Graces consideration. A[pril?] 1791, William Keir.

including a number of suggested changes in boundaries and tenancy structure to better facilitate their management and improvement.

The first section of Keir's report began by referring to the great difficulty in obtaining the necessary information to calculate the value of the sheep farms, noting that the task had appeared to many people so great as to 'even [have] been deemed impracticable':

It will however, he apprehends be admitted that to discover what may be deemed an equal and adequate rent upon these farms, such as the different tenants may afford to pay at a certain fixed rate, which the various articles of produce are known to sell for in the market, and lay down a simple and easy rule for accommodating these rents to the prices of the produce at any future period, are objects of high importance to His Grace.⁴⁹

Keir continued by examining the common methods used in the valuation of farms for rental, and outlining the disadvantages arising due to improperly set rents. Firstly, Keir noted the ways in which the rent of 'corn' or arable farms were determined. Due to the 'numberless contingencies that may affect its produce from year to year', it would be impossible, he argued, to calculate the value of the average annual produce of such a farm for a given period, and to then 'proportion it between the landlord and tenant in an equitable manner from clear principles'. The rent of this type of farm had thus never been determined from any 'clear knowledge' of its value, but had been derived from one of two methods: either by a comparison with the rents of other farms in the locality, tempered by an assessment of the apparent situation of the tenant; or by bringing the farms 'into the market' and letting them to the highest offer. Keir argued that the former method was perhaps the 'most equitable and rational mode' of fixing the rent of such a farm, provided that the landlord is 'governed by moderation and capable of making a correct observation'. The latter method, of letting the farm to the highest bidder, however, was deemed by Keir as being 'always unfavourable to the tenant', and indeed sometimes 'detrimental to the interest of the landlord himself, and to the Country in general'.⁵⁰ This was due to the fact that, although this

⁴⁹ *Ibid.*, pp. 134-135.

⁵⁰ *Ibid.*, pp. 135-137.

method would obtain the 'market price' for the use of the land, this would not be in proportion to what Keir deemed the 'real value' of the land, which he defined as the annual value of its produce. Keir argued that as there was always a greater competition for renting a property than for the purchase of it, the market price for the rental of a property would always be higher even than the market price for its purchase. Rent fixed by this method would therefore 'generally exceed the proportion it ought to bear' of the produce of the farm:

in other words, that part of the value of the annual produce that remains to the tenant, after paying the rent he has engaged for, will not afford him a reasonable profit upon the stock he is obliged to employ in its cultivation.

Keir then went on to differentiate between the market price and the 'real value' of a property:

The value of land at any period, or what may be more properly called the market price, is that price which may be obtained by a fair competition amongst those persons who incline to become purchasers. This market price may however be sometimes above, and sometimes below its real value. The real value of any farm is determined by the annual value of its produce. If the annual produce of the farm is not, under proper management, sufficient to afford a reasonable profit upon the stock employed in the cultivation of it, equivalent to the profit that might arise from such a stock employed in any other business of equal risk, and leave a surplus equal to the common interest given in money upon such security, for the sum laid out upon the purchase, it has evidently been purchased above its real value. And if a landlord demands more from his tenant than that surplus, he demands more than the tenant can afford to pay.⁵¹

Keir continued that as 'an ill paid rent can never be deemed a good one, however high it may nominally be', a landlord who lets his estate at the highest rent possible will in all probability receive less annually than if he had set the estate at a more moderate rate. If the proprietor was 'governed by more liberal sentiments' and set his rental at a moderate level it would also have the additional effect of improving the situation of his tenants. Furthermore, Keir noted that the consequences of a letting policy that resulted in too high a level of rent, affected more than just the interests of the particular landlord and his tenants:

If the loss occasioned by this unwise conduct was confined to the proprietor alone, there would perhaps be less cause for regret; but unhappily the Interest of the Country suffers much more from it; for by depriving his tenants of the hopes of bettering their situation

⁵¹ *Ibid.*, p. 137.

in life, he deprives them of one of the strongest motives to industry and exertion; and the Country is also deprived of the benefit of that part of their labour which they would otherwise have bestowed upon the cultivation and improvement of their farms.⁵²

Keir argued that similar disadvantages were also apparent at the opposite extreme, where the rent of a farm was set at too low a level. Although these circumstances were undoubtedly more favourable for the tenant, Keir believed they were 'seldom . . . found to contribute so much towards their real prosperity, as people who view the matter in a superficial manner are apt to suppose'. Again, questions of an individual's motivation and the level of incitement to industry were central to Keir's argument:

He presumes it will be admitted that mankind in general require a more forcible motive to stimulate them to industry and exertion, than merely a conviction that their pecuniary interest will be thereby promoted. They must (he presumes) feel that it is in some degree necessary for their comfortable subsistence. He therefore has some reason to believe that it is possible, and perhaps sometimes happens, that a proprietor by leaning too much to this last extreme, may, by weakening the incitements to Industry, deprive his tenants of greater advantages than his well intended bounty bestows upon them; and the Country at the same time, of that portion of their labours which it would otherwise have acquired.⁵³

Keir concluded that if these ill effects of either too high or too low a rent were indeed well founded, it could be supposed that 'a large estate, very unequally rented, must in some degree partake of the evil arising from both'. The regulation that Keir now proposed to remedy this situation could in this light be seen, Keir argued, not only as a contribution to the advancement of the duke's interest, but a step towards improving the 'real prosperity' of his tenants, and thereby 'the interest of the Country in general'.⁵⁴

Having established what he saw as the most rational method for arriving at a suitable rent for a corn farm, and highlighting the disadvantages arising from setting rents at too high or too low a level, Keir now proceeded to outline his method for calculating the rent of sheep farms. Unlike the situation regarding arable farms outlined above, it was possible, according to

⁵² *Ibid.*, pp. 137-138

⁵³ *Ibid.*, p. 138.

⁵⁴ *Ibid.*, pp. 138-139.

Keir, to arrive at a relatively accurate estimate of the annual produce of a sheep farm over a given period, and thus calculate the amount a tenant could readily afford to pay as rent. Keir argued that this was partly due to the fact that the produce of sheep farms were far less dependant upon the 'skill or industry' of the tenant than arable farms; and the average quantity of articles produced from a given number of sheep varied little from year to year, and so the average output of a given farm was also relatively stable. As the expense of management of these farms was 'very moderate', and roughly equal throughout the estate, varying only in proportion to the size of the farm, Keir argued that the only significant variable then, in the value of the produce of each farm from year to year, was the difference in price which these articles would fetch when brought to market.⁵⁵

Keir then outlined the possible methods for estimating the annual produce of any given sheep farm on the estate. First, an accurate knowledge of the number of sheep a farm could maintain was required. This could be obtained by a combination of personal observation, discussion with tenants and 'other people of the county', and from estimates of how much stock could be supported on a given amount of land. Due to the inaccuracy of the 'old measurements' of the estate, Keir stated he had to largely rely on information derived from the first two sources, noting that it was not safe to rely on the information gleaned from the tenants alone, because of the conflict of interests involved.⁵⁶ However, the quantity of stock that a farm could support was, no matter how accurately known, not sufficient in itself to ascertain the value of its annual produce due to a number of factors that affected the quality and quantity of any particular farm's output. Firstly, from the variance in the quality of sheep a given farm could produce; secondly, from the higher level of losses that certain farms were subject to due to their location; thirdly, the

⁵⁵ *Ibid.*, pp. 139-140.

⁵⁶ *Ibid.*, pp. 140-141; On the necessity of secrecy in ascertaining the sheep levels see also, N.A.S. GD 224/657/1/37, William Keir to Duke of Buccleuch, 28 March 1777; N.A.S. GD 224/657/1/77, William Keir to Duke of Buccleuch, 26 February 1790.

higher level of losses due to the prevalence of certain diseases on certain farms; and finally, differences arising from the extent and quality of arable land upon a farm.⁵⁷ Keir went on to argue that, although such 'depreciation' in the value of a farm's produce caused by the above factors would seem to require a proportional reduction of its rent, it needed to be ascertained whether the difference in value arose from unavoidable 'natural' causes, i.e. the quality of the soil or the exposed position of the farm, or from the comparative 'want of skill and industry' from the tenant.

If it arises from the first, a proportionable reduction of the rent seems to be reasonable; but if it arises from the last cause only, to make an abatement in that case, would have the effect of laying a tax upon skill and industry, and bestowing a premium upon ignorance and sloth. It therefore appears that the inferior quality of the cattle ought not to be considered in estimating the value of these farms, unless [when] that inferiority appears to be occasioned by the inferior quality of the soil.⁵⁸

Similarly, on those farms where disease was more prevalent or losses from storms were more likely, it was necessary to ascertain the extent to which these natural factors were exacerbated or even caused by 'some mis-management or want of industry' on the part of the tenant.⁵⁹ Keir went on to outline two key examples of how bad management practice might exaggerate or even cause such losses. The great losses that sometimes occurred on certain farms due to storms, for example, were often caused by food shortages resulting from the storm and not the storm itself. With a 'moderate degree of industry', Keir argued, almost all the sheep farms could produce sufficient hay on low-lying parts of the farm that would maintain the sheep during these storms. Although certain of the sheep farms produced almost enough hay 'spontaneously' to maintain the sheep during periods of bad weather, the prevailing practice was for the tenants to use the hay to winter as many black cattle as possible.⁶⁰

⁵⁷ N.A.S. GD 224/459, pp. 141-142, Report of the value of the Sheep Farms . . ., William Keir A[pril?] 1791. For the differences in valuation due to the quality and quantity of corn land, see *Ibid.*, pp. 151-152.

⁵⁸ *Ibid.*, p. 143.

⁵⁹ *Ibid.*, p. 143.

⁶⁰ *Ibid.*, pp. 144-5.

It is pretty generally acknowledged that the profit to be made by wintering black cattle is very precarious, generally inconsiderable, and frequently nothing at all. It seems therefore the more surprising, that a tenant should be so exceedingly blind to his real interest, as to risk the loss of that part of his flock upon the produce of which the rent of the farm, and his own profit must chiefly depend, for so precarious and trifling a consideration.⁶¹

Another important factor in the presence of lower quality stock upon the sheep farms that appeared to arise from natural causes was the prevalence of disease in certain farms. Keir noted that while, in general, farms that were more subject to losses from disease than others were not so because of mismanagement, there were some cases where 'extraordinary losses' were occasioned by bad management practice. For example, the disease known as 'the Sickness' was known to effect mainly sheep of less than a year old, and was endemic on many farms. By choosing not to stock sheep younger than this age, Keir argued that the prevalence of this disease could be markedly decreased.⁶² Similarly, Keir argued that a change in management practices could reduce or even eradicate 'the Rot', which he noted was the worst of the diseases affecting the sheep farms. After relating the various theories regarding the causes of the disease, including poor diet, rotten or damp food, and the mixing of sheep with black cattle, Keir argued that those farms which had used 'proper means' to remove these causes, (i.e. the land having been properly drained and kept free of black cattle) were now completely free of the disease.⁶³ Where farms were subject to above average losses from storms and the prevalence of certain diseases through mismanagement, Keir argued that these losses should not be taken into account in calculating their annual produce. However, Keir recommended that as the farms suffering from the Rot would require considerable expense to drain them, and would take several years before the

⁶¹ *Ibid.*, p. 146.

⁶² *Ibid.*, pp. 147-148. Keir noted the example of the farm of Lewinshope where a change of ownership and management practice had eradicated the disease which had previously been endemic there. According to George Malcolm, the sickness was 'a kind of colic'. Malcolm, 'concerning sheepfarms', p. 732.

⁶³ N.A.S. GD 224/459, Report of the value of the Sheep Farms . . . William Keir A[pril?] 1791, pp. 149-151. For draining as a solution to 'the rot', see also Malcolm, 'concerning sheepfarms', pp. 728-732.

tenants would fully benefit from these improvements, it would be advisable that they should be given an allowance out of their rent to be expended on draining their farms.⁶⁴

In order to take account of the above mentioned circumstances that might affect the value of the produce of the sheep farms, Keir noted that he had divided the farms into a number of classes based on the extent to which they were effected by similar circumstances.⁶⁵ Keir ended this section of his report by noting that his estimate of the produce (and thus the real value) of the sheep farms was based upon average prices of the various types of sheep, lamb and wool, for the past seventeen years. Keir also noted that in arriving at his final estimate of rent that each farm could pay, he had allowed for management expenses and further deducted fifteen per cent from the annual produce of each farm to account for the tenants 'profit upon the value of his stock'.⁶⁶

Keir's analysis was followed by a table of the 221 farms in the estates of Ettrick Forest, Liddesdale, Eskdale and Teviotdalehead, 169 of which were categorised as sheep farms.⁶⁷ Adjacent to the name of the farms are three columns of rentals: the 'estimated rent', the 'present rent', and the 'present rent equalized or proportioned to the estimated rent'. The 'estimated rent' was Keir's estimate of how much the farms could afford to pay according to their 'real value'; the present rent, that which was currently being paid. The 'present rent equalized' was based on the present rents adjusted so as to match the proportion of rent each farm was worth by Keir's 'estimated rent'. The total of Keir's estimated rent came to £17,452 representing an advance of

⁶⁴ N.A.S. GD 224/459, Report of the value of the Sheep Farms . . . William Keir A[pril?] 1791, pp. 151, 190.

⁶⁵ *Ibid.*, p. 153.

⁶⁶ *Ibid.*, pp. 153-154

⁶⁷ *Ibid.*, pp. 155-166. The table was headed, 'Estimate of the Rents which it is supposed the different Sheep Farms upon His Grace The Duke of Buccleuch's Estate may afford, when the produce of these Farms are sold at the Prices before stated; also a state of the present Rents of those Farms & likewise a State of the present Rents equalized or proportioned to the Estimated Rent'.

26% on the present rent of £13,849.10.9 9/12, while the equalized rent worked out at within seven shillings of the present rent at £13,849.3.10.⁶⁸

The second section of the report outlined the calculations behind a series of tables that Keir had drawn up in order to allow the duke to alter the rents in proportion to the current market price of lamb and wool. Keir advised that the duke would require to have an annual report from a trusted source of the best prices obtained for Wedder lambs (castrated male lambs) and wool at Langholm fair, which should be noted in a table in the same book as the report.⁶⁹ Keir gave the following as an example as to the working of the tables:

suppose the price of the lamb to be 4sh/6d (which is the average price upon which the estimates are founded) look for the table of 4/6, and in the left hand column of that table will be found 8/1, as the average price of the wool, and opposite to this, in the right hand column will be found £17,451.- being the sum of the rents in the preceding estimates. But suppose the wool to be sold for 16/10 p stone, when the lamb sells only for 4/6, opposite to 16/10 in the table of 4/6, will be found £22,298, as the value of these farms, being an encrease of £4,847, which is evidently occasioned entirely by an encrease of 8/9 p stone, in the price of the wool, above its its average proportion to that of the lamb.⁷⁰

The final section of Keir's report outlined a number of proposed alterations to the boundaries and tenancy structure of certain sheep farms upon the estate in order to facilitate their better management and encourage their improvement. Firstly, Keir noted that in the course of his 'perambulations through these farms' he had become aware that the boundaries of many of them were 'inconvenient and improper' and would require to be altered. The heavy losses that certain farms were subject to due to their exposed positions could, for example, be to a large extent prevented by adding to them 'particular parts, and in some cases the whole of the small neighbouring farms', providing them with low-lying or sheltered land capable of supporting the stock during periods of bad weather.⁷¹ In a similar vein, Keir had suggested in an earlier section

⁶⁸ *Ibid.*, p. 166.

⁶⁹ *Ibid.*, p. 170.

⁷⁰ *Ibid.*, pp. 169-170.

⁷¹ *Ibid.*, p. 179.

of the report that the amount of land allowed to be cultivated for corn should be limited, noting that by raising 'great quantities of corn' many of the tenants were ploughing up large areas of ground suitable for the pasture of their sheep, thus '[injuring] their farms exceedingly'.⁷²

The second area of the regulation of the sheep farms that Keir suggested needed to be altered was the practice of letting properties as 'led farms'. This practice, described by Keir as the letting of three or four farms to a person who lived 'many miles distant from them', had in recent years 'prevailed in the management of [the duke's] estate'. Keir continued:

The bad effects of this system in preventing the improvement of the Estate, and the disadvantages attending it with respect to the country in general, are so obvious, that it seems almost superfluous to name them. The person who resides upon a farm, is always doing something for his own comfort and convenience, that is connected with the improvement of it. Upon these Led farms as they are called in the country, the houses in particular, and every thing about them will generally be found in a state of ruin and desolation. In the one case also, the greatest part at least of the produce of the farm that remains to the tenant after paying his rent, is circulated in the country in a way that tends to promote the industry of the rest of the inhabitants; in the other, the tenant perhaps makes a fortune, which he takes out of the country, and lodges in the hand of a banker, or perhaps dissipated what might have made a fortune, in a way ruinous to himself, and to those who have the misfortune to be his companions, and not beneficial to the country.⁷³

Despite these disadvantages, Keir stressed that he did not recommend a 'total abolition' of the led farms: the remote situation of some farms meant that a tenant could not comfortably reside upon them and he also conceded that in certain circumstances the duke might have 'some particular motive' for granting such farms as favours. Overall, however, Keir concluded that 'it would be conducive to the interest, both of His Grace and the country, if these farms affording a comfortable residence to a tenant, had one upon them.'⁷⁴ Keir then concluded his report with a list of the various sheep farms throughout the duke's estate where he felt such alterations were advisable. These included the amalgamation of certain farms, in some cases to enable winter

⁷² Keir noted the practice was particularly prevalent on the Teviotdalehead and Ettrick Forest estates. *Ibid.*, p. 152.

⁷³ *Ibid.*, pp. 179-180.

⁷⁴ *Ibid.*, p. 180.

shelter and fodder,⁷⁵ in others to enable the creation of more viable and productive units;⁷⁶ to facilitate their improvement by drainage;⁷⁷ or to rationalise the boundaries in a more orderly fashion.⁷⁸ There were also to be stipulations on the residency of tenants on certain farms,⁷⁹ and on the amount of land to be enclosed for growing hay.⁸⁰ Keir recommended that as more alterations may become necessary on further inspection of the estate, the duke should reserve the right in any lease granted for these farms to alter the boundaries 'as at any time may appear to be proper, for the general advantage of the estate'.⁸¹

The implementation of the report

Practical preparations for the implementation of Keir's scheme began in December 1791, with Adam Ogilvie drafting two letters to be circulated to the tenants, one to be sent to those to be removed from their farms altogether, the second to those who would continue upon the estate. A modified version of the 1778 conditions of lease was also prepared by Ogilvie and sent to the duke along with the letters. At the same time, Ogilvie noted that he would be available to attend the duke in early January to discuss the arrangements, by which point it was hoped Keir would have finished drawing up an amended state of the rents.⁸² The attempt to implement the new scheme was, however, not to be without opposition from within the duke's establishment.

On 15 November Ogilvie had sent the duke a detailed appraisal of the report, a copy of which the duke had earlier sent him for his opinion. Ogilvie began by conceding that the report

⁷⁵ *Ibid.*, pp. 183, 190, 194.

⁷⁶ *Ibid.*, p. 183.

⁷⁷ *Ibid.*, pp. 184-5.

⁷⁸ *Ibid.*, p. 187.

⁷⁹ *Ibid.*, p. 182.

⁸⁰ *Ibid.*, p. 182.

⁸¹ *Ibid.*, p. 196.

⁸² N.A.S. GD 224/659/3/37, Adam Ogilvie to Duke of Buccleuch, 12 December 1791.

did Keir 'considerable credit', containing as it did 'much real information, and many sound remarks', and outlined in 'very accurate detail, every circumstance, which is known to affect the values of the sheep farms in general, upon your estates'. However, Ogilvie felt that Keir's plan to vary the rents of the farms according to the price of Wedder Lambs in Langholm market, while plausible on paper, might not be so in practice:

perhaps it may appear too theoretical to your Grace, and you may be inclined rather to follow a plan more simple, and more accomodated to ordinary practice. It is said somewhere, that the Government, which is best administered, is the best; but some Governments are of a nature less capable of good administration than others: and I am afraid, that, notwithstanding the very great confidence which your Grace enjoys among your tenants, they would not easily be reconciled to that state of uncertainty in which they would be left, were the amount of their rents and their continuance in their farms to depend upon the report which your Grace or the manager of your estates should receive annually of the price of the best Wedder lambs from Langholm fair. I doubt whether such a plan will be a spur to improvements.⁸³

Although Ogilvie stated that he could not give an accurate opinion on the rents estimated by Keir, as his report did not detail the particular circumstances of each farm that might have affected his findings, he noted he found some appeared 'too high, others too low [and] some not perfectly equal compared with others'. Ogilvie was also critical of those areas that Keir did specify as contributing to his estimates. He argued that the fifteen per cent of a farm's produce allowed in the report to the tenants as profit 'on account of interest of money risk and personal trouble', was too high. He described it as 'a most ample allowance' and more than the tenants would require, citing that it was more than the duke's 'oldest & most successful tenants' had made on average, adding that he believed they would not make this much if they paid the rents suggested by Keir. Ogilvie also questioned the accuracy of Keir's prices for lamb and wool on which his estimates were founded, arguing that they were 'rather high in every particular'. He argued that Keir had taken his averages from the highest market prices given for the best sheep, and had not accounted for variations according to the quality and type of sheep. Ogilvie

⁸³ N.A.S. GD 224/659/3/35-6, Adam Ogilvie to Duke of Buccleuch, 15 November 1791.

supported his statement by referring to what he described as some 'very correct accounts' of sheep prices he had obtained from several of the duke's most dependable tenants.

The final point of Ogilvie's assessment of the report concerned the practice of led farms. Ogilvie stated that he concurred with Keir in most of his remarks on the subject in that, although they often produced a temporary rise in rent, on the whole they tended to 'enrich individual farmers but are not the best calculated for the improvement or population' of the estate. However, he argued on the one hand that if the intention was to abolish the system altogether then Keir's recommendations did not go far enough. Noting that many led farms had not been included in Keir's report; while on the other, he urged caution in implementing such radical changes:

It has always been part of the system of management of your Grace's estate to admit of led farms; you yourself have rather increased their number. By this, your tenants have been encouraged to fix their views upon them, to lay out their stock, to square their expence of living, to educate their families, & to breed their sons to their own profession, in expectation of, continuing to hold such as they have already, & in hopes of obtaining more perhaps. Were you at once to dispossess all your tenants of led farms, their condition would be attended much worse; a great part of their stock would become unemployed, for which they must seek employment upon the estates of other landlords less patriotick: and as many of the living farms are not worth holding by themselves, at their present rents, many of your best tenants would be under the necessity of leaving your estate altogether, whose ancestors have paid rent to your Family, almost as long as your Family have been proprietors of the lands they occupy.

In summary, Ogilvie conceded that on the whole Keir's estimates of rents seemed 'very near the mark' and that if sheep and wool prices would remain at the same level that they had for the past six years, the duke could raise his rents to these levels without 'injuring' the tenants. He did advise, however, that it would be prudent, given the prices of the last two years, to allow for an amount of fluctuation in these prices. Ogilvie concluded his remarks by defending the importance of subjecting Keir's report to such detailed scrutiny. In doing so, he noted, he had 'nothing in view, but the mutual advantage of [the duke] and [his] tenants, in which is involved

the improvement of this part of the country; [and] I may add the happiness of your Grace, the happiness of thousands of individuals, and not a small share of my own'.⁸⁴

Sometime in early December 1791, Buccleuch met with Keir and Ogilvie at Dalkeith House to discuss the new regulation for the sheep farms. Although Ogilvie seems not to have commented adversely upon the scheme during the meeting, Keir was later shown Ogilvie's criticisms on the subject by the duke.⁸⁵ It seems to have been in consequence of Ogilvie's comments that Keir wrote to the duke on 30 December stating that he wished to remove any doubt from the duke regarding some of the 'principal parts' of his report and intended to send a further letter for this purpose.⁸⁶ Three days earlier, Ogilvie had written to the duke requesting a copy of his remarks on Keir's report, stating that Keir had written to him accusing him that his remarks had been 'calculated to raise doubts and suspicions in [the duke's] mind, as to the propriety of the report, particularly respecting the rents'. Ogilvie requested that the duke let him know whether his letter or 'conduct, while at Dalkeith house, appeared at all to you in that light', stating that if he had been 'capable of anything so unfair to Mr Keir, much more to your Grace, I am no longer worthy of your confidence, or of being continued in your service'.⁸⁷ There followed a heated exchange of letters between Keir and Ogilvie on the subject.⁸⁸ Keir defended his estimation of the rents, stating that he could prove they were moderate, although he conceded that 'The propriety of the rents charged upon the particular farms can, as I have already told his Grace, be only proved by experience; and it rests with his Grace whether he will or will not bring

⁸⁴ *Ibid.*

⁸⁵ N.A.S. GD 224/659/3/39, Adam Ogilvie to Duke of Buccleuch, 27 December 1791; N.A.S. GD 224/657/1/85, William Keir to Duke of Buccleuch, 19 January 1792.

⁸⁶ N.A.S. GD 224/657/1/83, William Keir to Duke of Buccleuch, 30 December 1791.

⁸⁷ N.A.S. GD 224/659/3/39, Adam Ogilvie to Duke of Buccleuch, 27 December 1791.

⁸⁸ N.A.S. GD 224/659/3/40-42, Copy of the correspondence between Adam Ogilvie and William Keir concerning their argument over the sheep farm report, December 1791 – January 1792.

them to that trial.’⁸⁹ Keir was particularly concerned at what he described as Ogilvie’s criticism of the table drawn up to enable the duke to vary the rents according to the market price of sheep and wool.

This table is founded upon what I thought clear & simple principals, and which I (perhaps erroneously) supposed to be incontrovertible. As you did not however, attempt to shew his Grace that these principals were erroneous, and notwithstanding represented this part of the report as theoretical, and expressed your doubts of its being reducable to practice; I certainly did at the time conceive, that I discovered an inclination to discredit my report, without venturing to shew any reason for it. I am hopeful however from the pains you have taken to remove such impressions from my mind, that you will be able to do it effectually, by laying before his Grace some other plan for this purpose more simple & practicable.⁹⁰

On 6 January Ogilvie wrote to the duke on the subject:

I agree with your Grace in thinking, that in a business so very extensive & complicated, as the arrangement and equalizing the rents of your whole estate almost, there has been very little difference of opinion indeed. I am sure nobody is more sensible of, none more ready to do justice, than I am, to the labour which Mr Keir has undergone, and the ability which he has shewn in his Report; and I think my letter to your Grace ought to have convinced him of that point. Without vanity or arrogance I may be allowed to say that I am not much tainted either with jealousy or want of candour. It has vexed me more, that anything I remember to have met with, that he has taken my remarks in so bad part.⁹¹

Clearly becoming exasperated by the situation, the duke called Keir to a meeting at Dalkeith House on Sunday 22 January, noting that Ogilvie would not arrive until the Monday. The duke continued, referring to Keir’s last letter to him on the argument with Ogilvie.

The subject of your letter [has] distressed me a good deal. I am sure you know I set a just and proper value upon your services. I am sorry any thing should have happened to cause any disagreement between you and Mr Ogilvie.⁹²

Keir replied, apologising if the language of his last letter could be construed as disrespectful, and also for letting Ogilvie know that the duke had shown him Ogilvie’s letter.⁹³

⁸⁹ N.A.S. GD 224/657/1/84, ‘Copy of part of a letter from Mr Keir to Mr Ogilvie, 16 January 1792 transmitted [to the duke of Buccleuch] by the former’.

⁹⁰ *Ibid.*

⁹¹ N.A.S. GD 224/659/3/43, Adam Ogilvie to Duke of Buccleuch, 6 January 1792.

⁹² N.A.S. GD 224/655/2/86, Duke of Buccleuch to William Keir, 13 January 1792.

⁹³ N.A.S. GD 224/657/1/85, William Keir to Duke of Buccleuch, 19 January 1792.

The meeting in January at Dalkeith House at which the main points of the implementation of Keir's plan were discussed, seems to have resolved the situation between Keir and Ogilvie, at least in the short term. The rents of the farms would be set at the level of Keir's estimate and the farms to be let on an annual lease until such a time as Keir had visited the relevant estates to enable him to draw up suitable conditions for their leases.⁹⁴ Furthermore, the majority of the alterations that Keir had suggested regarding the changing of boundaries and tenancy structure in order to eliminate the practice of led farms were also to be carried out.⁹⁵ It was also decided that the eight farms that were to become vacant at the new set would be advertised in the public papers,⁹⁶ a policy that seems to have been adopted specifically to ascertain how the level of rental obtained on the open market would compare to Keir's estimate.

The week following the meeting of 22-23 January, the printed letters to the tenants who were to be continued in their farms were filled in with the estimated rents as specified in Keir's report, and passed on to Ogilvie to be delivered. At the same time it was noted that the letters to those of the duke's tenants that were to be given new farms at the set were not to be sent out for another ten or twelve days in case any further alterations had to be made by the duke.⁹⁷ On 7 February, Ogilvie reported that the first set of letters had been delivered to the tenants, noting that although he had not yet had any answers to them, he did 'not expect that any of them will reject the offers that have been made them'.⁹⁸ On 14 February Buccleuch wrote to Keir informing him that he had had a number of visits and many letters from tenants regarding the

⁹⁴ N.A.S. GD 224/655/2/88, Hugh Warrender to William Keir, 27 January 1792; N.A.S. GD 224/659/3/49, Adam Ogilvie to Hugh Warrender, 14 February 1792; N.A.S. GD 224/657/1/95-96, William Keir to Duke of Buccleuch, 27 May 1792. For confirmation of the level of rental set in 1792 see N.A.S. GD 224/522/3/4, State of Farms to be let from Whitsunday 1802, 8 May 1802 [William Keir]. Despite recommendations from Hugh Warrender that the farms should be set for seventeen years, the leases were set for ten years. *Ibid.*; N.A.S. GD 224/655/2/102, Hugh Warrender to William Keir, 23 June 1792.

⁹⁵ N.A.S. GD 224/655/2/88 [a] List of farms to be reset in light of William Keir's report, Hugh Warrender, 26 Jan 1792.

⁹⁶ N.A.S. GD 224/655/2/88, Hugh Warrender to William Keir, 27 January 1792.

⁹⁷ N.A.S. GD 224/655/2/88, Hugh Warrender to William Keir, 27 January 1792

⁹⁸ N.A.S. GD 224/659/3/51, Adam Ogilvie to Duke of Buccleuch, 7 February 1792.

new arrangement. 'I have given in general answer viz. that I have made the present arrangements of my farms after much consideration, & that I am determined to make no alteration.' He also noted, 'I have not as yet in one instance heard of any complaint of the rent put on the farms'.⁹⁹

On 1 March Hugh Warrender, the duke's legal agent, informed Keir that the relevant farms had been advertised in the Edinburgh press and instructions had been given to advertise them also in the Dumfries and Kelso papers.¹⁰⁰ Nine days later, Warrender reported that many offers had been lodged with him and that many more were expected. Furthermore, the level of rent offered in those proposals so far received were on average well above Keir's estimated rent. He continued:

I can have no doubt, as ever had, about the propriety of advertiseing these few farms; it must satisfye His Graces tenants that he is a good landlord to them, and remove all insinuations against the moderation of what has been put upon them - for otherways - these would have been very unjust complaints[.]¹⁰¹

In his reply, Keir noted a story being 'industriously propagated in the country' seemingly with the intention of discouraging offers for the advertised farms.

The story as it is told is, That Duke had no other object in advertising these farms, but meerly to see the opinion of the Country respecting their value, and that his Grace had determined what tenants should be preferred to these farms, even before they were advertised. I have heard of one or two offerers, that have been impressed with this idea, and seemed to think it a matter of indifference the offering of high rent, as they supposed it would not be the highest offer that would be preferred. You will easily see the effects this idea in the country is likely to produce; it gains the more credit, as it has been the practice formerly, when a farm came to be advertised, for his Grace to prefer a man at a rent considerably below what had been offered by another. I certainly wish these farms to come fairly into the market, & I beg to leave to submit it to you wither it might not be proper to throw some clause into the advertisements that may remove this impression. I understand the tenants are exceedingly apprehensive, that rents will be offered for these farms far above the rents that have been put upon the others, & this story I find has been propagated to prevent offers from appearing for them.¹⁰²

⁹⁹ N.A.S. GD 224/655/2/90, Duke of Buccleuch to William Keir, 14 February 1792.

¹⁰⁰ N.A.S. GD 224/655/2/91, Hugh Warrender to William Keir, 1 March 1792.

¹⁰¹ N.A.S. GD 224/655/2/92, Hugh Warrender to William Keir, 10 March 1792.

¹⁰² N.A.S. GD 224/657/1/118, William Keir to Hugh Warrender, March 1792 [emphasis in original].

Warrender replied, noting that he had also heard the story that Keir mentioned from some of the people offering for the farms. He added, 'I do not suppose however, that it had had any effect as there are certainly many offerers – I dare say not less than 50 in all'.¹⁰³ In a second letter of the same date, Warrender noted that he had now made up a list of the offers which he intended to send to the duke immediately, noting that the rents offered 'far exceed your estimate – more that what it exceeds the former rent'.¹⁰⁴

On 2 April the duke wrote to Keir from London, enclosing the list of offers and outlining his instructions regarding which to accept:

I wish, and mean to take, the best rent offered, if nothing material should appear against the character and pecuniary abilities of the offerer. . . you will observe the rent is far above the estimated value in your report, even beyond what I expected. I think the tenants who have taken their farms at the estimated rent ought to be silent, and thankful.¹⁰⁵

Keir replied approving of the duke's decision to take the highest offer, particularly in the light of the 'industriously propagated' rumours. He continued:

The advance rents offered for these farms are to be sure very high, but I cannot say it is more than I had reason to expect. I believe I once mentioned to your Grace that if all the farms contained in my estimates were to be brought into the market in this way, I had reason to think they would produce an advance above the present rent of £10,000; the advance offered for these farms that have been advertised is nearly in proportion to that sum. . . . This I believe also corresponds with a state of facts, I used the freedom to make formerly to your Grace, in order to prove, that the estimate rents stated in my report, were really moderate.¹⁰⁶

The duke's personal approbation was made clear by a letter to Keir acknowledging the duke's debt to him for 'the very labourious task you [have] undertaken in forming your report upon the sheep farms' and noting how much he 'approve[ed] of your conduct in that

¹⁰³ N.A.S. GD 224/655/2/93, Hugh Warrender to William Keir, 17 March 1792.

¹⁰⁴ N.A.S. GD 224/655/2/94, Hugh Warrender to William Keir, 17 March 1792. [emphasis in original].

¹⁰⁵ N.A.S. GD 224/655/2/95, Duke of Buccleuch to William Keir, 2 April 1792.

¹⁰⁶ N.A.S. GD 224/657/1/90-91, William Keir to Duke of Buccleuch, 8 April 1792.

business'.¹⁰⁷ This sentiment was further reinforced by the duke's award of a £105 bonus to Keir for what was described as his 'extraordinary trouble respecting [the] farms'.¹⁰⁸

The implementation of Keir's scheme signalled the beginning of a new approach to managing the estate's sheep farms. As has been outlined above, Keir's plan for the new regulation of the duke's sheep farms consisted of two main aspects relating to their improvement. The first of these – the setting of rents proportionately throughout the upland estates according to the stocking capacity of each farm and the market price of their produce – was aimed primarily at arriving at an accurate estimation of their value that would in turn allow the setting of the rental at what Keir considered would be the optimum level to encourage the tenants to improve their holdings. This first part of Keir's plan was implemented at the set of 1792 and continued until the final years of the duke's administration, when a new comparative estimate of rents was introduced on at least one of the estates to allow for the changes in relative value due to improvements and changes in management.¹⁰⁹ Similarly, the practice of estimating the change in value of these farms according to the variation in the market value of their produce was continued throughout the period under examination, and, in at least some estates, continued into the next duke's administration.¹¹⁰

The second aspect of the new regulation proposed a number of alterations to the management practices of these farms in order to improve their productivity, involving several measures designed to increase their stocking capacity and to alleviate unnecessary losses through the effects of disease and bad weather. These measures centred around schemes of pasture improvement involving drainage, enclosure and the improvement of land, which, by increasing

¹⁰⁷ N.A.S. GD 224/655/2/95, Duke of Buccleuch to William Keir, 2 April 1792.

¹⁰⁸ N.A.S. GD 224/269/28, Accompt of Charge and Discharge betwixt His Grace Henry Duke of Buccleugh and John Davidson Writer to the Signet, for his intromissions as the Dukes Commissioner and Cashier from 13 September 1791 (the period of last Accompts) to 13 September 1792.

¹⁰⁹ See below p. 185.

¹¹⁰ *Ibid.*

the amount of feed available, were intended not only to reduce losses, but to increase the winter carrying capacity of these farms.¹¹¹ It is upon the attempts to implement this part of Keir's plan that the remainder of this chapter will focus.

IV. Improving the sheep farms 1792-1812

In 1802 at the expiry of the initial ten-year leases granted as part of the new regulation, the sheep farms were set on leases of between nine to twelve years.¹¹² Although printed 'conditions of leases' survive for the sets of 1802 and 1812, no such conditions survive for the initial set of 1792,¹¹³ although a later report indicates that the draining of the farms was to be a 'general obligation' upon the tenants in the leases granted in 1792.¹¹⁴ Beyond such general obligations that may have been included in the 1792 conditions of leases, specific improvements were to be stipulated for each farm following detailed surveys to be made by Keir or his assistants.¹¹⁵ A clause in the 1802 'conditions of leases' stipulated that the part of each farm

¹¹¹ This was of crucial importance as the winter carrying capacity of a farm was significantly lower than the level of stock that could be maintained during the summer months. See Dodgson, 'The Economics of Sheep Farming', pp. 558-559.

¹¹² The sheep farms on the estate of Eskdale were set for 9 years, on Ettrick Forest for 10, Teviotdalehead 11, and Liddesdale for 12. N.A.S. GD 224/522/3/4, State of Farms to be let from Whitsunday 1802. Langholm Lodge, 8 May 1802 [William Keir].

¹¹³ N.A.S. GD 224/522/3/4/2, Declaration by the Duke of Buccleuch relative to the Conditions of the Leases upon his Estates in the Counties of Roxburgh, Selkirk, and Dumfries, 11 May 1802; N.A.S. GD 224/522/3/23, Declaration by the Duke of Buccleuch relative to the Conditions of the Leases upon his Estates in the Counties of Roxburgh, Selkirk, and Dumfries, 8 February 1812.

¹¹⁴ N.A.S. GD 224/459 p. 250, Mr Keir's report of the state that had been given in by sundry tenants of the expence they have already laid out in Buildings and Fences upon their respective farms, and of the expence of other Improvements which they now propose to make upon their farms, 1795. In his 'Report' Keir had also suggested that it was 'exceedingly necessary' that the duke make draining a 'general obligation' for his tenants. N.A.S. GD 224/459, Report of the value of the Sheep Farms . . . William Keir A[pril?] 1791, p. 191.

¹¹⁵ The exact timing of these surveys is unclear. Keir noted in a letter of May 1792 that he had been delayed in starting his survey due to his involvement in the management of the duke's colliery in Canonbie. In May 1798 a survey was begun of all the duke's upland estates with respect to drainage improvements and the construction of water meadows. A detailed survey of the Ettrick Forest estate dated 1802 survives, in which Keir and his assistant identified the amount of 'improvable land' on each farm and outlined the methods that each tenant should use to bring about the required improvements. A report on the state of improvements upon the Eskdale estate made in 1810 noted the extent to which tenants had carried out improvements specified in a 'plan of improvement' for the estate, presumably drawn up around

‘which shall be marked’ by the proprietor or those authorised by him ‘for arable land, for meadow, and the pasturage of cattle and horses’ was to be enclosed and subdivided by the tenant at his own expense.¹¹⁶ By 1812, the general ‘conditions of lease’ obliged the tenants to enclose and subdivide those parts of the farms ‘already marked out’ if the improvements had not been previously completed.¹¹⁷

Although, as the clause in the 1802 conditions suggests, the tenants were required for the main part to fund these enclosures and pasture improvements themselves, the estate did help to finance certain aspects of the improvements. Up until 1802 the estate continued to contribute towards the expense of building dwelling houses and offices upon the farms.¹¹⁸ In addition to this, and following Keir’s suggestion made in his ‘Report’, improvements upon certain farms were funded by way of rent abatements.¹¹⁹ These were intended either to enable the tenants to carry out expensive improvements specified by Keir (with the tenants bound to lay out the whole of the sum abated on the specified improvements), or to provide the tenants with what Keir described as a ‘proportional indemnification’ in the light of improvements already carried out.¹²⁰ In order to calculate these abatements, tenants were required to submit reports of both the

the time of the 1802 set. N.A.S. GD 224/657/1/95, 96, William Keir to Duke of Buccleuch, 27 May 1792; N.A.S. GD 224/657/2/41, William Keir to Duke of Buccleuch, 31 May 1798; N.A.S. GD 224/590/2, Continuation of William Keir’s report, respecting the improvements proposed to be made upon his Grace the Duke of Buccleuch’s estate, in the county of Selkirk [1802]; N.A.S. GD 224/522/3/65, Report respecting the improvements made upon the sheep farms belonging to his Grace the Duke of Buccleuch in Eskdale, since the commencement of the present leases at Whitsunday 1802, together with the improvements that still remain to be made upon these farms. [William Keir Jr.] 1810.

¹¹⁶ N.A.S. GD 224/522/3/4/2, Declaration by the Duke of Buccleuch relative to the Conditions of the Leases upon his Estates in the Counties of Roxburgh, Selkirk, and Dumfries, 11 May 1802

¹¹⁷ N.A.S. GD 224/522/3/65, Report respecting the improvements made upon the sheep farms belonging to his Grace the Duke of Buccleuch in Eskdale, since the commencement of the present leases at Whitsunday 1802, together with the improvements that still remain to be made upon these farms. [William Keir Jr.] 1810; N.A.S. GD 224/522/3/23, Declaration by the Duke of Buccleuch relative to the Conditions of the Leases upon his Estates in the Counties of Roxburgh, Selkirk, and Dumfries, 8 February 1812.

¹¹⁸ The expense of the duke’s contribution to the tenants’ buildings is referred to in a letter of June 1793, while the ‘conditions’ of lease of 1802 noted that ‘all former declarations by the proprietor about allowances to his tenants for buildings, repairs, inclosures, or otherwise, on their farms, are held to be at an end and discharged’. N.A.S. GD 224/659/3/103, Adam Ogilvie to Duke of Buccleuch, 2 June 1793.

¹¹⁹ Report of the value of the Sheep Farms . . . William Keir A[pril?] 1791, p. 189.

¹²⁰ N.A.S. GD 224/657/1/110, 111, William Keir to Duke of Buccleuch, 7 March 1793.

improvements that they had previously carried out, and those that they proposed to make in the future.¹²¹ Although these abatements were only given to a relatively small number of farms – fourteen in 1793 and nineteen at the set of 1802¹²² – their use in the exposed upland areas such as Eskdalemuir in upper Eskdale seems to have been a significant factor in the improvement of these farms.¹²³

A further way in which the estate contributed towards the overall expense of improvements was in the provision of personnel to oversee and advise on their implementation. In his 1791 'Report' Keir had emphasised that the majority of the duke's farms could be 'much improved' by draining, and had recommend that if such a 'general obligation' for draining was to be made effectual, the duke should appoint two overseers to ensure the drains were both well made and properly maintained.¹²⁴ In May 1797 the duke personally commissioned a profession 'drainer and flooder', Charles Stephens, to introduce what was known as the 'water meadow system' to the upland estates.¹²⁵ The system - which consisted of the artificial flooding of meadow-land to encourage the early growth of grass for pasture – was initially introduced on an experimental basis upon the Eskdale and Liddesdale estates where Stephens's advice was given to the tenants free of charge.¹²⁶ After the success of these trials Stephens was appointed as full-

¹²¹ N.A.S. GD 224/459 pp. 250-255, Mr Keir's report of the state that had been given in by sundry tenants of the expence they have already laid out in Buildings and Fences upon their respective farms, and of the expence of other Improvements which they now propose to make, 1795; N.A.S. GD 224/459 pp. 265-268, Abstracts of statements given in by tenants of the expence of improvements already made by them on their respective farms and of estimates of the expence of other improvements which they propose to make. William Keir, January 1801.

¹²² The abatements recommended by Keir in 1793 totalled £99 annually for four years, and were to be specifically for draining. Those of 1802 amounted to just over £275 annually for two years. N.A.S. GD 224/459 p. 199, Mr Keir's report concerning the present state of certain farms upon his Grace the Duke of Buccleuchs Estate. October 1793; N.A.S. GD 224/522/3/4, State of Farms to be let from Whitsunday 1802. [William Keir], 8 May 1802.

¹²³ See below pp. 185-186.

¹²⁴ N.A.S. GD 224/459, Report of the value of the Sheep Farms . . . William Keir A[pril?] 1791, p. 191.

¹²⁵ N.A.S. GD 224/657/2/19, 20, Duke of Buccleuch to William Keir, 13 May 1797; *ibid.*, 18, William Keir to Duke of Buccleuch, 28 April 1797; *ibid.*, 22, William Keir to Duke of Buccleuch, 17 May 1797.

¹²⁶ N.A.S. GD 224/657/2/33, 34, William Keir to Duke of Buccleuch, 5 December 1797. See Dodgshon, 'The Economics of Sheep Farming', p. 557, for a description of the system.

time 'flooder and drainer' for the duke's South Country estates with responsibility for supervising all draining and water meadow construction upon the estates. In May 1798 Stephens embarked on a survey of all of the upland estates, with orders to report upon the amount of draining made to date upon each farm together with an assessment of what would be necessary to complete the work.¹²⁷ A set of instructions to the tenants drafted by Keir set out what was expected from the tenants:

The Duke does not expect or desire any of the tenants should lay out such a sum of money at one time in the execution of these improvements as may be inconvenient, but he knows that all the tenants of the sheep farms can afford something in this way: and as Mr Stephens is engaged to him at a very considerable expence for the purpose of assisting the tenants he does expect that those that have land on their farms which can be converted into water meadow at a moderate expence should begin to do something by laying out a few acres of land under Mr Stephens directions; & that they should continue to make a moderate addition to such meadow annually untill they shall have compleated the improvement of such a part or parts of the farm as may be judged most proper to be laid out in that way.¹²⁸

According to Keir's correspondence Stephens was in almost constant employment over the next two years.¹²⁹ At the general set of the sheep farms in 1802, two clauses relating to drainage and water meadows were included in the conditions of the leases, the first requiring the tenants to 'make such drains over the whole farm as may be judged necessary by the proprietor . . . and to keep and leave them in clear and good order', while the second stipulated that where water meadow husbandry was 'practicable' the tenant was required to make them as the proprietor deemed necessary.¹³⁰ A second, related initiative for the improvement of drainage upon the sheep farms was the systematic introduction of mole catching across the duke's upland estates.

¹²⁷ N.A.S. GD 224/657/2/33, 34, William Keir to Duke of Buccleuch, 5 December 1797; N.A.S. GD 224/657/2/41, William Keir to Duke of Buccleuch, 31 May 1798.

¹²⁸ N.A.S. GD 224/459 pp. 261-262, Instructions to Mr Stephens flooder and drainer, Dalkeith House 25 June 1798.

¹²⁹ N.A.S. GD 224/657/2/48, William Keir to Duke of Buccleuch, 24 October 1798; N.A.S. GD 224/657/2/67-79, William Keir to Duke of Buccleuch, [n.d. but received at Dalkeith House 1 January 1801].

¹³⁰ N.A.S. GD 224/522/3/4/2, Declaration by the Duke of Buccleuch relative to the Conditions of the Leases upon his Estates in the Counties of Roxburgh, Selkirk, and Dumfries, 11 May 1802. Stipulations were also including regarding the compensation of tenants who had to build dams on their land for the use of other farms.

Moles were believed to be particularly damaging to the new drains being constructed and also the cause of a black mould thought to produce a coarse grass believed to be 'very unhealthy' for sheep.¹³¹ In the summer of 1797 a Lancashire firm was contracted by the estate to catch moles for the following fourteen years, with the tenant paying a variable rate per acre, payable to the chamberlain along with the rent,¹³² and, from the set of 1802, an obligation for the tenant to contribute towards the expense of killing moles in his parish was included in the conditions of the lease.¹³³

An indication of the progress of improvements upon the sheep farms during the first set of the new regulation (1792 – 1802) can be gathered from a number of surviving reports. In 1795 Keir noted that although 'a great part' of the tenants of the sheep farms had given in estimates of the improvements they had already made together with those they proposed to make, only those of twenty-six tenants were considered significant enough to 'to merit any degree of consideration'.¹³⁴ In a similar report of 1801 the improvements made on fifteen farms were considered, eight of which had been featured in the report of 1795.¹³⁵ In a detailed survey carried out the following year by Keir and Stephens of the twenty-six sheep farms on the Ettrick Forest estate, Keir noted that improvements had begun on fourteen of them, mainly in the way of

¹³¹ N.A.S. GD 224/522/3/64, Report on the value of the Sheep farms belonging to His Grace the Duke of Buccleuch in the County of Dumfries [William Keir Jr.], 1810; OSA Parish of Eskdalemuir, vol. 12, p. 616.

¹³² For every 100 acres of arable land, the tenants were charged 10 shillings annually for 3 years, and 5 shillings for the remaining 11; on sheep pasture the rate was 8 shillings 4 pence per 100 acres for the first 3 years, followed by 4 shillings 2 pence for the next 11. The plan was still in operation (at a lower annual fee) in the early 1830s. NSA Parish of Eskdalemuir, vol. 4, pp. 409-410.

¹³³ N.A.S. GD 224/522/3/4/2, Declaration by the Duke of Buccleuch relative to the Conditions of the Leases upon his Estates in the Counties of Roxburgh, Selkirk, and Dumfries, 11 May 1802; N.A.S. GD 224/522/3/23, Declaration by the Duke of Buccleuch relative to the Conditions of the Leases upon his Estates in the Counties of Roxburgh, Selkirk, and Dumfries, 8 February 1812.

¹³⁴ N.A.S. GD 224/459 p. 250, Mr Keir's report of the state that had been given in by sundry tenants of the expence they have already laid out in Buildings and Fences upon their respective farms, and of the expence of other Improvements which they now propose to make upon their farms.

¹³⁵ *Ibid.*; N.A.S. GD 224/459 p. 265, Abstracts of statements given in by tenants of the expence of improvements already made by them on their respective farms and of estimates of the expence of other improvements which they propose to make. By William Kier, January 1801.

enclosure and water meadow construction, although on only three of these farms were the improvements considered 'considerable'.¹³⁶ A separate report of the same year by Stephens on his work over the whole of the upland estates noted that he had constructed water meadows on a total of thirty-one farms amounting to an area of 426 acres and had supervised the enclosure of 183 acres of arable land together with a further 46 acres of what was described as 'old meadow'.¹³⁷

In addition to these reports, estate correspondence gives another indication of the progress of these improvements, highlighting in particular the effects of a number of bad seasons following 1791. In 1793 Ogilvie reported that mortality had never been 'more general or greater both among young and old' sheep, and that, despite the £3000 advance nominally gained at the set of 1792, he would be lucky to collect the previous level of rent. Ogilvie argued that the effects of bad weather had been compounded with what he described as 'the universal embarrassment of credit & circulation' effecting the sheep, wool and black cattle trades. Significantly, Ogilvie reported a further drain on his collection had been the expense of the buildings and improvements that the tenants were proceeding with, noting 'Your Grace's share of the expence of building are a draw upon the receipts, and the tenants' share keeps them short of money'.¹³⁸ The following year Ogilvie reported a similar situation, noting that less rental had been collected than in 1792, and advising the duke that he 'must find out some other ways and means than the rents of your estates under my care, for twelve months to come'.¹³⁹ Particularly hard hit by the series of bad winters were the farms of Eskdalemuir in upper Eskdale. Keir reported that the severe losses of stock upon these farms for a number of years preceding 1796

¹³⁶ N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvements proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [1802].

¹³⁷ N.A.S. GD 224/459 p. 270, Report of Lands inclosed under the direction of Char Stephens, for arable, water meadow etc. Langholm Lodge 12 May 1802. Of the farms on which water meadows had been made, 14 were in Ettrick Forest, 9 in Teviotdale, 2 in Liddesdale and 6 in Eskdale and Ewesdale.

¹³⁸ N.A.S. GD 224/659/3/103, Adam Ogilvie to Duke of Buccleuch, 2 June 1793.

¹³⁹ N.A.S. GD 224/659/3/86, Adam Ogilvie to Duke of Buccleuch, 30 May 1794.

had rendered them 'unproductive' for two or three years afterwards, and that despite a good amount of progress in the draining of these farms, by 1801 the majority of them were in a worse situation than they had been in 1792.¹⁴⁰ In 1801 when Keir calculated the proposed advance of rents for the new set due the following year (and which would eventually see an advance of 35% placed upon all the sheep farms),¹⁴¹ he reported that any rise in rent was due solely to the increased market price of the sheep farm produce, noting that 'any improvements that have been made upon the estate that are calculated to increas the quantity of the produce, & by that means to increas the value of particular farms, have been done so very recently, and none of them being by it completed'.¹⁴²

Detailed information for the condition of the sheep farms by the end of the next set is only available for one of the four upland estates, that of Eskdale in Dumfriesshire. However, as the largest of the upland estates, accounting for over a third of the total value of all the sheep farms, the condition of the estate serves as an important indicator of the progress of improvement upon the upland estates by the end of the duke's administration. In a detailed report of 1810 on the level of improvements upon the sheep farms of the estate since the previous set of 1802, William Keir Jnr. indicated that of the sixty farms considered only ten had made no improvements since that date. In addition eight farms had been considered not capable of any further improvement, either due to the completion of previously required improvements or what was considered as their unsuitability for any type of improvement. Improvements were noted in all of the remaining forty-two, with nineteen of these being characterised as having been 'considerably improved'.¹⁴³ The improvements included the enclosure, subdivision, and

¹⁴⁰ N.A.S. GD 224/657/2/55, 56, William Keir to Duke of Buccleuch, 19 April 1800; N.A.S. GD 224/657/2/90, William Keir to Duke of Buccleuch, 16 March 1801.

¹⁴¹ N.A.S. GD 224/522/3/4, State of Farms to be let from Whitsunday 1802, 8 May 1802.

¹⁴² N.A.S. GD 224/657/2/90, William Keir to Duke of Buccleuch, 16 March 1801.

¹⁴³ N.A.S. GD 224/522/3/65, Report respecting the improvements made upon the sheep farms belonging to his Grace the Duke of Buccleuch in Eskdale, since the commencement of the present leases at Whitsunday

improvement of land, the building of dwelling houses and offices, draining, the alteration of the course of rivers to alleviate flooding, and the building of sheep stalls.¹⁴⁴ An indication of the amount of enclosure of lower-lying land upon these farms is given in a separate report of the same year, where Keir Jnr. estimated that enclosure of these areas was a significant factor in the reduction of stocking capacity upon nineteen of the twenty-six farms noted as carrying reduced numbers of sheep.¹⁴⁵

Summarising his findings, Keir Jnr. argued that the 'very considerable improvements' made upon many of the farms since their last valuation, together with the changes in the numbers and values of sheep carried, meant that a new estimate of the comparative value of these farms was required. Keir Jnr.'s subsequent report was based largely on the principles defined by his father's 1791 'Report', with the valuation of each farm derived from its stocking capacity and the average market prices for their produce over the previous ten years.¹⁴⁶ According to this report, the value of the sheep farms of Eskdale had risen by 70% since 1802.¹⁴⁷ Significantly, in the assessment of the effectiveness of the programme of improvements, the highest increases upon the Eskdale estate came from the district of Eskdalemuir, the area previously identified by Keir Snr., in his 1791 report as one of the areas of the estate particularly

1802, together with the improvements that still remain to be made upon these farms. [William Keir Jr.] 1810.

¹⁴⁴ *Ibid.*

¹⁴⁵ A good deal of this enclosure seems to have been made to enable the supply of fodder to the sheep in times of bad weather - as William Keir Jr. noted in his report of the farms in the Eskdalemuir region, 'every tenant now endeavours to raise as much hay, as is sufficient to supply his stock, when they are deprived of their natural food'. The main factor for the reduction of stocking capacity in the remaining seven farms was the change in stocking practices, due to either the changing of the breed of sheep carried (from the 'short' to the 'long' or improved cheviot), or from the carrying of more adult ewes in relation to lambs than was formerly the case. N.A.S. GD 224/522/3/64, Report on the value of the Sheep farms belonging to His Grace the Duke of Buccleuch in the County of Dumfries [William Keir Jr.], 1810.

¹⁴⁶ As with the original scheme, Keir Jr. took into consideration the particular losses some of the farms were prone to, and allowed 15% upon the value of the stock to go the farmer as profit. *Ibid.*

¹⁴⁷ This advance in rent is broadly in line with continued rise in sheep produce prices during this period: According to data gathered by R. A. Dodgshon, between 1800 and 1810 the value of wool increased by about 50%, lambs and wedder lambs rose by around 70%, while ewes climbed over 75%. Dodgshon, 'The Economics of Sheep Farming', p. 553.

prone to losses in stock due disease and severe weather, a situation exacerbated by what he described as 'indolence and mismanagement'.¹⁴⁸ The district had been singled out for abatements in 1793 and again in 1802 when all but one of the farms were given allowances.¹⁴⁹ By the Spring of 1800 Keir could report that most of the tenants of Eskdalemuir had now 'done a great deal towards draining their farms' and were beginning to enjoy the benefits of it,¹⁵⁰ although the following year he reported that the heavy losses of the previous decade meant that most of the tenants were in a worse state than in 1792.¹⁵¹ By 1810, however, Keir Jnr. could report on a marked change in the conditions upon these farms. The eradication of moles had allowed the successful drainage of the farms leading to both an increased amount of food for the sheep and the almost total eradication of the disease known as 'the rot'. In addition, the building of stalls for shelter on different parts of the farms, the now almost universal practice of raising enough hay to support the sheep during periods of bad weather, and the change from the short to the long cheviot sheep were all cited as factors in their increased productivity. As Keir Jnr. concluded, 'in consequence of these improvements, and by confining the black cattle on particular parts of the grounds, some farms in Eskdalemoor, that, were formerly of least, are now become the most productive, and can afford to pay a higher rent by the sheep, than any other farms in the district'.¹⁵² As a result, Keir Jnr. recommended that the rental of the Eskdalemuir

¹⁴⁸ N.A.S. GD 224/459, Report of the value of the Sheep Farms . . ., William Keir A[pril?] 1791, p. 151.

¹⁴⁹ N.A.S. GD 224/459 p. 199, Mr Keir's report concerning the present state of certain farms upon his Grace the Duke of Buccleuchs Estate. October 1793; N.A.S. GD 224/657/2/55, 56, William Keir to Duke of Buccleuch, 19 April 1800; N.A.S. GD 224/522/3/4, State of Farms to be let from Whitsunday 1802, [William Keir].

¹⁵⁰ N.A.S. GD 224/657/2/55, 56, William Keir to Duke of Buccleuch, 19 April 1800.

¹⁵¹ N.A.S. GD 224/657/2/90, William Keir to Duke of Buccleuch, 16 March 1801.

¹⁵² N.A.S. GD 224/522/3/64, Report on the value of the Sheep farms belonging to His Grace the Duke of Buccleuch in the County of Dumfries [William Keir Jr.], 1810. An example of one such farm was the farm of Nether Cassock. In 1800 Keir Snr. had described it as still being 'in its original state' with no improvements having been made to that date. In 1810 Keir Jr. related the changes made over the previous decade: 'At the commencement of the present lease, the greatest part of the Cassock haugh [low lying river-meadow], consisting of about 125 acres, was a complete swamp, and much of what was dry ground, was run with the river. The present tenant in conjunction with the tenants of Fingland and Over Drumfedling, made at a very considerable expense, a new course for the river, with strong and high banks

farms should be increased by 80% on the 1802 rental, 10% above the average for the Eskdale estates as a whole.¹⁵³

William Keir's attempt to alter the management structure of the duke's upland estates and thereby encourage their improvement was not implemented without opposition – both from within the duke's establishment and from the tenants.¹⁵⁴ Indeed, as shall be discussed in the final chapter of this thesis a feature of Keir's evolving improvement strategy was a belief that more control was needed over the tenants in order to compel them to improve. However, overall, Keir's report seems to have played a significant part in improvement of the upland estates. And although more comparative research into the long term effects of Keir's market responsive leasing system is needed, it may well have made the Buccleuch estates better attuned than most to cope with the dramatic market fluctuations of the late eighteenth and early nineteenth centuries.¹⁵⁵

along the sides, upwards of a mile & a quarter in length. He also completely drained the haugh by making a large ditch along the side, and another through the middle, on the sides of which thorns are planted. The whole of the haugh with the exception of nine acres belongs to the tenant of Cassock, and has been divided into ten inclosures. He has been at great pains leveling in, and carrying soil to the old water course. A very considerable expense has also been incurred by the tenant of this farm, in draining the sheep ground, and building stalls and sheep folds.' Keir Jr. noted that the tenant had expended over £950 on the improvements and estimated that in order to complete them and build himself a new dwelling house and offices, he would have to spend a further eight to nine hundred pounds. N.A.S. GD 224/657/2/55, 56, William Keir to Duke of Buccleuch, 19 April 1800; N.A.S. GD 224/522/3/65, Report respecting the improvements made upon the sheep farms belonging to his Grace the Duke of Buccleuch in Eskdale, since the commencement of the present leases at Whitsunday 1802, together with the improvements that still remain to be made upon these farms. [William Keir Jr.] 1810.

¹⁵³ N.A.S. GD 224/522/3/64, Report on the value of the Sheep farms belonging to His Grace the Duke of Buccleuch in the County of Dumfries [William Keir Jr.], 1810.

¹⁵⁴ In April 1792 Keir reported that 'a good number' of the tenants that had been moved to other farms at the new set, had entered into 'an improper and ungratious combination' not to dispose of their stock to the new tenants the duke had preferred except on 'extravagant prices'. N.A.S. GD 224/657/1/86, William Keir to Duke of Buccleuch, 21 April 1792.

¹⁵⁵ On the problems faced by other sheep farming estates in the Borders due to the 'inability of rents to respond immediately to prices', particularly in the case of longer leases: see Dodgshon, 'The Economics of Sheep Farming', pp. 560-563, 569. According to entries in the NSA, the Buccleuch farms continued to be held on shorter leases than those of neighbouring estates, usually of nine years. NSA vol. 3, Wilton p. 79; Castleton, p. 446; vol. 4, Eskdalemuir, p. 408; Langholm, p. 424.

Chapter 6: Improvement and estate management

This chapter focuses on two separate aspects of estate management, both of which, it will be argued, reveal insights into the overall management strategy of the Buccleuch estates. The first part of this chapter examines the way in which the development of the overall infrastructure of the estate was geared towards facilitating the agrarian improvements described in previous chapters. It will be argued that the improvement of this infrastructure - primarily conceived of here as the means to provide access to both markets and the materials necessary for improvement - was viewed as an essential part of the process of improvement and emphasises the extent to which the overall management strategy of the estate was geared towards the goal of agricultural improvement. The second part discusses the way in which concerns that can be defined as other than strictly economic - both social and political - informed and influenced the management strategy of the estate. In doing so it attempts to highlight the 'non-commercial' aspects of the duke's relationship with those living upon his estates, and forms the basis for the discussion of the ideas and ideology of improvement that forms the final chapter of this thesis.

I. Infrastructural Improvement

This section will outline aspects of the estate's role in the provision of what may be termed 'infrastructural improvements'. Although conceived broadly this term can include such practices as house and office building and enclosure, for the purposes of this study it will be limited here to those initiatives concerned with three areas: the development of communications, the creation of planned settlements, and the provision of the materials necessary for agricultural improvement.

During the last quarter of the eighteenth century Scotland underwent what has been described as a 'transport revolution', a central component of which was the unprecedented level of road construction and improvement that took place throughout the country.¹ The provision of this communications network, consisting of new and improved turnpike, parish and estate roads has been recognised as one of the key factors behind the overall transformation of the market context of Scottish agriculture.² In addition to allowing the more efficient transportation of produce and thus providing greater access to wider markets, these improvements also provided easier and less expensive access to the materials necessary for the improvement process. Furthermore, by opening up previously inaccessible markets while at the same time making more produce and goods available at a lower cost, they also encouraged further specialisation within agricultural production and encouraged the move from subsistence to commercially orientated husbandry.³ From the outset of his administration the third duke proved an active supporter of initiatives to improve communications both within his own estates and throughout the country in general.⁴ The duke's particular enthusiasm for the building of roads and bridges, which was remarked upon on a number of occasions by members of his establishment,⁵ is borne out by his attempts to finish the section of the Carlisle to Edinburgh turnpike road that ran

¹ Devine, *Scottish Nation*, p. 135.

² Devine, *Transformation of Rural Scotland*, p. 41.

³ *Ibid.*, p. 50.

⁴ For example, the duke subscribed £3000 for the building of the Forth Clyde canal, and in December 1769 subscribed 50 Guineas (£21) towards the building of the bridge over the North Esk near Montrose. N.A.S. GD 224/273/2, Archibald Campbell's Accompts of Charge & Discharge . . . 13th September 1769 to 13th September 1770; The duke's original subscription to the Forth Clyde canal had been £2000 but after the death of Townshend he also took on Townshend's subscription of £1000. The final payment was made in March 1775. N.A.S. GD 224/269/1 Accompt of Charge and Discharge betwixt his Grace Henry Duke of Buccleugh and John Davidson . . . from 13th September 1770 to 13th September 1771; N.A.S. GD 224/269/5 Accompt of Charge and Discharge betwixt his Grace Henry Duke of Buccleugh and John Davidson . . . from 13th September 1774 to 13th September 1775.

⁵ Ogilvie noted to Archibald Campbell that an enclosed letter from the duke (unfortunately not traced) would show him 'how keen he is upon roads and bridges'. N.A.S. GD 224/389/2/29, William Ogilvie to Archibald Campbell, 24 February 1769. See also N.A.S. GD 224/389/2/27, William Ogilvie to Archibald Campbell, 11 March 1769, and N.A.S. GD 224/273/1, William Ogilvie to Archibald Campbell, 24 May 1769.

through his estates. During the duke's minority Charles Townshend had authorised expenditure to pass a Turnpike act for that part of the road that would run from Scot's Dyke in Dumfriesshire to Hare Moss in Roxburghshire,⁶ and, by the end of 1768, the duke as principal subscriber had paid a total of £4910 towards its completion.⁷ Frustrated by its slow progress and concerns over the ability of the other subscribers to fund the remainder of the road, in 1769 the duke indicated to his commissioners that he wished to take over both the 'burden and direction' of the road himself from the other subscribers, in order to ensure its completion and fund its maintenance.⁸ By 1795 the duke had spent upwards of £7000 upon this and subscriptions to other turnpike roads, with, as his accountant noted, 'very little return . . . expected further than a small dividend from toll duties.'⁹

Of even more significance in terms of the improvement of the Buccleuch estates was the programme of private road and bridge building that the duke's administration undertook.

Writing in 1802 William Keir stressed the fundamental importance of these estate roads in the

⁶ Townshend was reported as hoping that such a road would be 'of great advantage to the country in general as well as to the Duke of Buccleugh's private interest'. N.A.S. GD 224/91/1 [no page number], [Kenneth Mackenzie] to John Craigie, 20 July 1762. In July 1766 Townshend and Lady Dalkeith had authorised the payment of 'a sum not exceeding £1000' towards completing the road. N.A.S. GD 224/268/11, Kenneth Mackenzie to John Craigie, 22 July 1766. In October 1766 Townshend wrote to the duke in Paris noting that 'Your road in Scotland is become the most frequented in that country.' Charles Townshend to Duke of Buccleuch, 16 October 1766, in Ross, 'Educating an Eighteenth-Century Duke', p. 197.

⁷ N.A.S. GD 224/237/1, Archibald Campbell Accompts of Charge and Discharge . . . 13 September 1768 to 19 September 1769 [Copy].

⁸ N.A.S. GD 224/459, Commissioners of Turnpike Hawick Road to the Duke of Buccleugh, 6 August 1768, p. 14; *Ibid.*, Letter from Mr Ogilvie to the Clerk of the Trustees for the Road from Hawick to Hare Moss, 7 August 1768 and answer, 11 August 1768, and Observations on Mr. Glaidstain's answer, pp. 15-18; N.A.S. GD 224/389/2/29, William Ogilvie to Archibald Campbell, 24 February 1769; N.A.S. GD 224/389/2/27, William Ogilvie to Archibald Campbell, 11 March 1769; N.A.S. GD 224/459, Proposals towards the Duke of Buccleugh's taking the burden of the Turnpike Road from Scot's Dyke to Hare Moss and relieving the other subscribers. n.d. [November 1769], p.88; *Ibid.*, Proposals towards refunding the subscribers to the Turnpike Road from Hare Moss to Scotsdyke & observations thereon [William Ogilvie] July 1770, p. 103.

⁹ N.A.S. GD 224/584/11/16, State of His Grace the Duke of Buccleuch's Funds in Scotland. As well as continuing to fund the Hare Moss to Scotsdyke road (including the passing of its second turnpike act in 1784/85) the duke was a substantial contributor to Turnpike roads in Selkirk, Roxburghshire, and Dumfriesshire. See for example N.A.S. GD 224/269/7, 8, 9, 11, 15, 19, John Davidson's Accounts and Vouchers 1776-1787.

process of improvement, describing them as 'the fountain from which the whole wealth of the nation springs,' whereas the public or 'great' roads were in comparison 'only the channels thro' which it circulates.'¹⁰ From the outset of the reorganisation of the lowland estates the building of these estate roads had been regarded as an essential component of the proposed improvements.¹¹ This was particularly evident in the estate of Canonbie in Dumfriesshire where the provision of a suitable road network to provide access from the farms to both the building materials and manure necessary for the new arrangement was considered a priority.¹² Part of the problem that Keir identified was the failure of the nominated authorities to spend the money that had been raised locally for the maintenance and building of roads and bridges.¹³ From 1775 Keir effectively took over the direction of road and bridge building for the parish,¹⁴ with the duke authorising 5 % of the rental of the parish (of which he was the sole heritor) to be applied expressly for that purpose.¹⁵ Expenditure rose from an average of £10 a year for the period 1770 to 1775, to £212.7.10 in 1776,¹⁶ £259.8.2 in 1777,¹⁷ and an average of £159.2.8 a year between

¹⁰ N.A.S. GD 224/590/1, Report concerning the improvements proposed to be made upon the Duke of Buccleuchs Estate in the Country of Selkirk. September 1802. William Keir.

¹¹ See for example Keir's comments on the importance of proper roads in the new arrangement of Canonbie estate. N.A.S. GD 224/657/1/2, William Keir to Duke of Buccleuch, 3 December 1772; N.A.S. GD 224/657/1/20, William Keir to Duke of Buccleuch, 16 August 1774.

¹² N.A.S. GD 224/657/1/20, William Keir to Duke of Buccleuch, 16 August 1774.

¹³ N.A.S. GD 224/657/1/34, William Keir to Duke of Buccleuch, 26 September 1775.

¹⁴ This had previously been entrusted to the Justices of the Peace who received money from a 'collector' who had been nominated by them to receive the money collected (arising from the 'compositions for the statue labour') by the Overseers of the Highways in each of the five parishes of Eskdale – Canonbie, Langholm, Ewes, Westerkirk and Eskdalemoor. N.A.S. GD 224/657/1/34, William Keir to Duke of Buccleuch, 26 September 1775; N.A.S. GD 224/657/1/33, William Keir to Duke of Buccleuch, 25 August 1775.

¹⁵ OSA Canonbie, pp. 413-4. This had first been suggested by Keir in December 1772: N.A.S. GD 224/657/1/2, William Keir to Duke of Buccleuch, 3 December 1772. The sum was later augmented by a charge of two pence per cart load of coal sold from the duke's coal pit in the parish. N.A.S. GD 224/348/13, William Keir's Accounts 1786-1794.

¹⁶ N.A.S. GD 224/345/9, Accompt of charge and discharge of William Keirs intromissions and payments as manager of his Grace the Duke of Buccleugh's Woods & director of his Improvements from the 1st of Jan 1776 to 1st Jan 1777.

¹⁷ N.A.S. GD 224/345/15, Accompt of disbursements made by Will. Keir for works done upon the Duke of Buccleughs Estate in the years 1777 & 1778.

1779 and 1784.¹⁸ This substantial level of investment continued into the 1790s with an average expenditure for road and bridge building in the parish between 1788 and 1794 of just over £219 per annum.¹⁹ Writing in 1790s the author of the statistical account for the parish noted that branch roads had been made to almost every farm in the parish, claiming that 'in no situation, within the writer's knowledge have greater or more rapid improvements been made in [the provision of roads and bridges], so essential to civilization, and the extension of industry in every sphere, than in this parish'.²⁰

In some important respects Canonbie was an exceptional case. As the duke was the sole proprietor of the parish there were no problems with the coordination of other heritors, a problem that could hamper road building elsewhere on the estate,²¹ while the presence of the duke's coal mines in the parish provided further stimulus for such investment.²² However, road and bridge construction (and the associated tasks of river banking and wall building) took place throughout the duke's estates, playing an essential part in the new arrangement of farms.²³ An acute awareness of the central role of improved communications to the improvement of agriculture is revealed in William Keir's writings, most explicitly in his ambitious plan to improve the Ettrick Forest estate, drafted in 1802. An integral part of the proposed improvements was the building of improved roads throughout the district, with Keir planning out in exact detail what he considered as the optimum routes with regard to connecting the farms

¹⁸ N.A.S. GD 224/346/2, Vouchers of Mr Keirs Accompts from 1 January 1779 to 1 January 1784.

¹⁹ N.A.S. GD 224/348/20, Vouchers of Mr Keir's Accompts 1786-1794.

²⁰ OSA Parish of Canonbie, p. 413.

²¹ See for example the case of building roads in the parish of Castleton to service the Newcastleton; N.A.S. GD 224/459 pp. 221-223.

²² The building of a new road and bridge to Annandale, for example, was conceived as a means of supplying coal to that area from the duke's pits. N.A.S. GD 224/657/2/10,11, William Keir to Duke of Buccleuch, 15 March 1797.

²³ See for example in the estate of Lempitlaw near Eckford, N.A.S. GD 224/657/1, William Keir to Duke of Buccleuch, 3 February 1781.

to both their potential markets and the materials necessary to improve them. As he summarised to the duke:

Your Grace need not be told, that, no extensive improvements can be made upon the soils in any country untill proper roads are made through the different parts of it, to those places where the necessary means of improvement can be obtained; and for conveying the produce of the land in the easiest manner to the places where it is to be consumed. These are the principal objects for which all the roads in the world have been made.²⁴

A related aspect of infrastructural improvement that also aimed to facilitate access to markets was the founding of planned settlements upon the estate. Planned settlements were a distinctive and significant part of landowner improvement initiatives in Scotland during the late eighteenth and early nineteenth centuries with, according to one estimate, eighty-five planned settlements created in the Lowlands between 1760 and 1815.²⁵ These settlements were often conceived of as a means of providing employment through the setting up of rural industries, but also as a way to stimulate new markets for local produce while at the same time maintaining landowner control of rural society.²⁶ As with road building, the duke's administration proved proactive in this area of investment. During the third duke's administration two large-scale planned villages (New Langholm and Newcastleton) were instigated upon the Buccleuch estates, together with a number of smaller settlements. The origins of New Langholm can be traced to 1770 when the duke announced his intention to grant building leases near the town of Langholm,²⁷ but it was not until 1776 that the first leases were prepared for plots on the duke's

²⁴ N.A.S. GD 224/590/1, Report concerning the improvements proposed to be made upon the Duke of Buccleuchs Estate in the Country of Selkirk. September 1802. William Keir.

²⁵ Devine, *Transformation of Rural Scotland*, p. 40.

²⁶ T. C. Smout, 'The Landowner and the Planned Village', in Phillipson and Mitchison, *Scotland in the Age of Improvement*, p. 75; D. G. Lockhart, 'The Planned Villages', in Parry and Slater, *The Making of the Scottish Countryside*, p. 249; Devine, *Transformation of Rural Scotland*, pp. 40, 45.

²⁷ By the powers given to the duke by the Entail act of that year, it was intended that ninety-nine year leases were to be granted from the following Whitsunday on condition that the houses be built within the first ten years, and stipulations were laid down for the type of houses to be allowed, noting that 'the front of such house shall be uniform, & the side walls build with stone & lime fifteen feet high . . . the roofs of the houses fronting the street shall be covered with slate.' N.A.S. GD 224/459 p. 111, Instructions & Orders by his Grace the Duke of Buccleugh to William Ogilvie, 25 August [1770].

land in the Meikleholm Holm at the confluence of the rivers Esk and Wauchope, about half a mile from the existing settlement.²⁸ The town expanded steadily over the next decade and by 1787 three streets of houses had been completed, with demand for more building leases still continuing.²⁹ In the same year the duke received a petition from the people of Liddesdale requesting building leases in order to erect a settlement there in the same manner as New Langholm.³⁰ In March 1787 the duke gave his consent, noting he would be 'very glad' to forward such a plan,³¹ and Keir proposed the farm of Copshawpark in the parish of Castleton as the most suitable site.³² By May 1792 Keir had drafted a plan for the town that would become Newcastleton, with twenty houses already engaged for, with the total rising to fifty-four by the following April.³³ As with New Langholm, a portion of arable land was enclosed to be let along with the building leases to encourage undertakers,³⁴ Keir noting in April 1793 that it was only the shortage of such land that restricted further expansion.³⁵

²⁸ N.A.S. GD 224/657/1/35, William Keir to Duke of Buccleuch, 24 April 1776. By March 1777 Keir reported that about twenty people had taken up plots. N.A.S. GD 224/657/1/38, William Keir to William Ogilvie, 12 March 1777. As with many of the planned settlements of the period, plots of arable and pastoral land or 'lotted lands' were also provided, which Keir noted as being an essential incentive for tenants to take up building leases. These were to be of between two or three acres and to be held on a fourteen year lease. N.A.S. GD 224/657/1/38, William Keir to William Ogilvie, 12 March 1777; N.A.S. GD 224/657/1/48, William Keir to Duke of Buccleuch, 30 December 1778. For the role of 'lotted' lands in planned settlements see, Lockhart, 'The Planned Villages', pp.263-4.

²⁹ N.A.S. GD 224/657/1/117, William Keir to Duke of Buccleuch, 28 February 1787. By the mid 1830s the town consisted of about 140 houses. NSA Langholm, p. 419.

³⁰ N.A.S. GD 224/657/1/117, William Keir to the Duke of Buccleuch, 28 February 1787; N.A.S. GD 224/657/1/64, William Keir to Duke of Buccleuch, 18 August 1787.

³¹ N.A.S. GD 224/655/2/62, Duke of Buccleuch to William Keir, 27 March 1787.

³² N.A.S. GD 224/657/1/64, William Keir to Duke of Buccleuch, 18 August 1787. The duke noted that he would 'wish to see this spot' himself before 'any steps were taken' but it was not until the following year that the duke arranged to meet with Keir at Castleton, seemingly to inspect the site. N.A.S. GD 224/655/2/64, Duke of Buccleuch to William Keir, 3 October 1787; *ibid.*, 67, Duke of Buccleuch to William Keir, 11 October 1788.

³³ N.A.S. GD 224/657/1/92, 93, William Keir to Duke of Buccleuch, 14 May 1792; *ibid.*, 95, 96, William Keir to Duke of Buccleuch, 27 May 1792; *ibid.*, 112, William Keir to Duke of Buccleuch, 3 April 1793.

³⁴ N.A.S. GD 224/459 p. 203, Report on the works that seem necessary to be done upon his Grace the Duke of Buccleuch's Estates in the Counties of Dumfries, Roxburgh and Selkirk in 1793. under the direction of Mr Keir.

³⁵ N.A.S. GD 224/657/1/112, William Keir to Duke of Buccleuch, 3 April 1793.

In addition to these substantial villages, at least three smaller settlements intended specifically for accommodating tradesmen were established upon the estate. In 1775 nine small holdings were set at Forgebraehead in Canonbie;³⁶ in September 1792 seventeen small lots of land at Harelaw in the same parish (alongside the new road leading towards Liddesdale built to service Newcastleton) were let for the building of tradesmen's houses;³⁷ and the following April eleven 'small possessions' were set out at Ettrick Bridge End in Ettrick Forest in the hope that 'tradesmen should incline to erect houses there, upon building leases without land'.³⁸ In the case of the latter two settlements, the duke was at the expense of enclosing the properties, while the availability or use of land set with the building plots was restricted in all three cases in order to specifically encourage the practice of trades rather than agricultural smallholding.³⁹ Similarly, the estate also actively encouraged the establishment of industry in New Langholm, including the introduction of cotton manufacturing there in 1778, the industry that would come to dominate the economy of the town.⁴⁰ Whilst no details survive in the estate correspondence of

³⁶ N.A.S. GD 224/657/1/31, William Keir to Duke of Buccleuch, 17 May 1775.

³⁷ Each lot consisted of six acres with the undertaker obliged to build a lime and stone house and, unlike the usual 99 year lease for house and garden and fourteen year lease for the land, a joint lease was issued for both for thirty years. N.A.S. GD 224/657/1/97, 98, William Keir to Duke of Buccleuch, 20 September 1792.

³⁸ N.A.S. GD 224/657/1/112, William Keir to Duke of Buccleuch, 3 April 1793; *ibid.*, 113, 114, 115, William Keir to Duke of Buccleuch, 11 June 1793. Accounts show that the duke was at the expense of enclosing the possessions there. N.A.S. GD 224/459 p. 203, Report of works that seem necessary to be done upon his Grace the Duke of Buccleuchs Estates in the Counties of Dumfries, Roxburgh and Selkirk in 1793. under the direction of Mr Keir. The location of both of these settlements were typical of such smaller settlements in that they were created near river crossings or by roadside locations. Devine, *Transformation of Rural Scotland*, pp. 40 – 41.

³⁹ Although the building leases at Harelaw included 6 acres of land, the tenants were restricted from ploughing any land except their gardens, while the plots at Ettrick Bridge End were set without additional land. The excepted applicants to Forgebraehead included a nail maker, a hedge tender, and another three people described as 'of good character and useful in their way'. One lot was left vacant specifically to attract a 'proper carpenter', to undertake 'any work that may be carried on upon that part of the estate.' N.A.S. GD 224/657/1/97, 98, William Keir to Duke of Buccleuch, 20 September 1792; *ibid.*, 112, William Keir to Duke of Buccleuch, 3 April 1793; *ibid.*, 113, 114, 115, William Keir to Duke of Buccleuch, 11 June 1793; N.A.S. GD 224/459 p. 203, Report of the works that seem necessary to be done upon his Grace the Duke of Buccleuchs Estates in the Counties of Dumfries, Roxburgh and Selkirk in 1793. under the direction of Mr Keir; N.A.S. GD 224/657/1/31, William Keir to Duke of Buccleuch, 17 May 1775.

⁴⁰ The duke paid £30 towards the establishment of a malting business in the new town and gave permission for the establishment in 1788 for a manufactory of 'cotton stuffs of different kinds in the

the specific rationale behind the creation of the two larger settlements, the stimulating of employment and new market centres was clearly part of their aim.⁴¹ Overall, it can be argued that the estate's ongoing investment in this area indicates they were viewed as an important part of the improvement strategy for their respective areas.

A further aspect of infrastructural investment designed to facilitate improvement was the estate's attempts to provide and supply the raw materials necessary for agricultural improvement. In particular, the provision of manure and building materials for the use of tenants were seen as central to the overall improvement of the estate. As has been discussed above, one of the primary reasons given for improving communications upon the estate was to enable easier access to these materials, while the case study presented in Chapter 4 of this thesis outlined the way in which the development of the marl pit at Eckford was seen as an essential part of the plan to improve that estate.⁴² In addition to Eckford, marl pits were also opened up on the farms of Outer Huntly in Ettrick Forest, at Wester Grundistone in the parish of Hassendean, and at Blackcleugh in the parish of Hawick,⁴³ while the possible location of further marl deposits

Manchester way'. Originally expected to employ forty looms and 'a considerable number of hands in spinning', by 1835 the manufactory employed between 90 to 100 people. N.A.S. GD 224/657/1/68, 69, William Keir to Duke of Buccleuch, 6 June 1788; NSA Langholm, p. 424. The duke was, however, later to regret the growth of industry in the town; see below pp. 247-8.

⁴¹ A further motive in the creation of such settlements could be the gaining of increased rentals compared with those that the undeveloped land previously yielded. Part of Newcastleton was built on moorland as was the settlement at Harelaw in Canonbie, where Keir estimated that land that had previously given around six pence per acre would now bring in over eight shillings per acre. N.A.S. GD 224/657/1/97, 98, William Keir to Duke of Buccleuch, 20 September 1792. However, the situation was not so clear cut at New Langholm, where more productive farm land was turned over for the use of the builders; William Ogilvie argued, for example, that 'the duke will lose more in one way than he can gain in another', while Keir argued that in the long term, the duke would eventually gain. Estate accounts reveal that just over £325 was spent on the laying out of New Langholm between 1778 and 1783: this included not only the paving of the town, dyke building, drainage, and road making, but also the enclosing of part of Meikleholm Hill, and the making of a road up to the quarry for use of the builders. By 1812 New Langholm and Newcastleton produced an annual rent of £782 11/9d. N.A.S. GD 224/657/1/39, William Keir to Duke of Buccleuch, 10 March 1777; *ibid.* 38, William Keir to William Ogilvie, 12 March 1777; N.A.S. GD 224/346/8, Vouchers of Mr Keir's Accompts from 1 January 1779 to 1 January 1784; N.A.S. GD 224/527/2, Mr Riddell's Accounts crops 1810, 1811, 1812.

⁴² See above pp. 119-120, 130-133.

⁴³ N.A.S. GD 224/657/1/16, William Keir to Duke of Buccleuch, 25 January 1774; N.A.S. GD 224/349/7, Vouchers of William Keir's Accompts 1797. The duke contracted out the draining of the Moss of Wester

played a central part in Keir's proposed plans for the development of the Ettrick Forest estate.⁴⁴ The supply of building materials, both for buildings and enclosures, were provided by opening up of a number of slate and stone quarries upon the estate,⁴⁵ while a brickworks was set up by William Keir at Forgebraehead in the parish of Canonbie to provide building materials for the new arrangement of farms there in the 1770s.⁴⁶ In the same decade a nursery was established at Langholm Castle to raise trees for the numerous plantations set up throughout the estates and thorns for use of the tenants for enclosing,⁴⁷ supplying 439,360 trees and 692,450 'thorns' between 1780 and 1789.⁴⁸ Furthermore, a number of these raw materials produced upon the estate (for example marl and timber) were supplied to the duke's tenants at preferential rates:⁴⁹ although, in a departure from previous wood management policy, the duke made clear his preference for using imported timber for building in order to leave his own trees to 'ornament' his estate.⁵⁰

One example of the way in which this concern for the provision of materials necessary for improvement could influence the development of estate resources is the duke's involvement in his coalfields in the parish of Canonbie. The increased exploitation of mineral resources has

Grundiston in the parish of Hassendean for marle in 1785. N.A.S. GD 224/657/1/58, William Keir to Duke of Buccleuch, 6 November 1785; *ibid.*, 60, William Keir to Duke of Buccleuch, 29 November 1785; N.A.S. GD 224/565/1-13, Marle Accounts, Grundistone, Blackcleugh, Eckford, Outer Huntly, 1799-1807.

⁴⁴ N.A.S. GD 224/590/1, Report concerning the improvements proposed to be made upon the Duke of Buccleuchs Estate in the Country of Selkirk. September 1802. William Keir.

⁴⁵ For the opening up of slate quarries see N.A.S. GD 224/657/1/3-4, William Keir to Duke of Buccleuch, 26 February 1773; *ibid.*, 5, William Keir to Duke of Buccleuch, 4 April 1773. For stone, see *ibid.* 9, William Keir to Duke of Buccleuch, 21 June 1773. For the opening up of the stone quarry for the building of New Langholm, see N.A.S. GD 224/346/8, Vouchers of Mr Keirs Accompts from 1 January 1779 to 1 January 1784.

⁴⁶ N.A.S. GD 224/345/15, Accompt of disbursements made by Will. Keir for works done upon the Duke of Buccleughs Estate in the years 1777 & 1778.

⁴⁷ N.A.S. GD 224/657/1/51, William Keir to Duke of Buccleuch, 12 April 1781. The expense of the nursery averaged around £107 a year between 1779 and 1783. N.A.S. GD 224/346/3, Vouchers of Mr Keirs Accompts from 1 January 1779 to 1 January 1784.

⁴⁸ N.A.S. GD 224/522/1/7, Produce of Langholm Nursery, 1780-1789.

⁴⁹ For marl, see above p. 131. The duke's secretary noted in 1811 in regard to the management of the plantations that the duke was 'inclined at all times to give the tenantry a preference at moderate prices'. N.A.S. GD 224/522/3/71, [William Cuthill] to Thomas Gaskell, 23 January 1811 [draft].

⁵⁰ N.A.S. GD 224/655/2/34, Duke of Buccleuch to William Keir, 12 August 1782.

been recognised as symptomatic of the new commercialised attitude towards land management and of attempts to extract the maximum profit from the estate.⁵¹ An interesting feature of the estate's involvement in the mining of the coalfields in the parish of Canonbie, however, is the role played by concerns over the supply of materials of improvement to the duke's tenants there. The duke's coal and lime works in the parish of Canonbie had been let out during his minority to the Reverend Robert Graham of Netherby, who, by a specific clause in his tack was required to 'use his utmost endeavours to supply all the country vassals to, or connected with his Grace' with coal and lime.⁵² When Graham was informed at the expiry of his tack in 1768 that the duke intended to take the works back into his own management, the principal reason given was his inability to supply the duke's tenants with enough limestone and the resultant delays in their 'improvements'.⁵³ While a number of surveys were carried out to ascertain the potential of the works and the possibility of the duke working the coal pits himself,⁵⁴ ten colliers and a grievance from the duke's Dalkeith coal works were sent to Canonbie in order, as one report noted, that 'the country may be supplied with coals'.⁵⁵ This concern for the supply of coal to the area was of particular concern, not only for the supply of domestic fuel, but also for its role in the burning of lime required for fertilising. The process required large amounts of coal and in June 1770 the deputy chamberlain in charge of the coal works noted that 'the country crys out for want of coal

⁵¹ T. M. Devine notes the clauses in leases reserving rights over coal, stone and minerals as providing legal support for the 'landowner's determination to extract as much return as possible from the natural endowment of his estate', adding that 'it symbolised land as property, as an asset to be exploited systematically.' *Transformation of Rural Scotland*, p. 47.

⁵² N.A.S. GD 224/459 pp. 79, 82, Memorial concerning Mr. Graham's claim of reimbursement of the expence of dead works upon the Cannoby coal, 8 October 1769.

⁵³ N.A.S. GD 224/459 pp. 80-81, John Craigie of Kilgraston to Reverend James Graham, 8 May 1766 [copy].

⁵⁴ N.A.S. GD 224/459 p. 79, Memorial concerning Mr. Graham's claim of reimbursement of the expence of dead works upon the Cannoby coal, 8 October 1769; *Ibid.*, p. 19, Copy from Mathew Little's Journal of the Cannonbie Coal, Friday 25 November 1768; *Ibid.*, p. 70, Orders & Instructions the Duke of Buccleugh to Wm. Ogilvie, September 1769.

⁵⁵ N.A.S. GD 224/459 p. 5, Note from John Alves to William Ogilvie, 7 April 1768 [copy].

to burn their lime the summer season'.⁵⁶ On the advice of William Ogilvie, the duke decided to let out the coal works,⁵⁷ and in November 1770 James Lomax of Clayton Hall, Lancaster was given a tack for them for fourteen years and a life. As with the lease granted to the previous tenant, a particular requirement of the lease was for the holder to supply the locals with sufficient coal, with a clause noting that Lomax was obliged to 'keep constantly a bank or banks of coal . . . sufficient to supply all the wants and demands of all the people of the country' and to sell it at the 'customary' measure of four pence a load.⁵⁸

Over the next twenty years numerous complaints were made over Lomax's operations, particularly over his failure to keep the country supplied with coal. After the threat of legal action, and on the suggestion of William Keir, it was agreed in 1791 that the duke would take over part of the coalfield (that located at Byreburn), while Lomax would continue at the other (at Archerbeck), freed from his obligation regarding the supply of the country.⁵⁹ The agreement also noted that the duke's original 'object' in granting Lomax the mines had been 'to have the country accommodated with coal sufficient for all there purposes'.⁶⁰ Keir personally oversaw the

⁵⁶ N.A.S. GD 224/459 p. 100, Extract from the Coal Journal page 96 & 97, W[illiam] L[ittle], Monday 12 June 1770. One bushel of coal was needed for burning three to three and half bushels of lime and between 400 and 600 bushels of lime was commonly spread per acre of newly enclosed land. Devine, *Transformation of Rural Scotland*, p. 54; The duke's attempts to run the coal works at this point ran into difficulties both through technical problems and ongoing disputes with the colliers. C. A. Whatley makes use of this incident as an example of the collective power of colliers to renegotiate the terms of their employment. C. A. Whatley, 'The Dark Side of the Enlightenment? Sorting Out Serfdom', in T. M. Devine and J. R. Young (eds.), *Eighteenth Century Scotland: New Perspectives* (East Linton, 1999) pp. 264-5.

⁵⁷ N.A.S. GD 224/91/2 pp. 17-20, William Ogilvie to Duke of Buccleuch, 6 December 1768; *ibid.*, pp. 39-40, Heads of a letter wrote to Mr Ogilvie, January 1769.

⁵⁸ The original tack (signed 26 October 1771 and 10 March 1772) has not been traced but these clauses are reproduced in Lomax's 1791 lease. N.A.S. GD 224/459 pp. 271-275, Contract & Agreement between his Grace the Duke of Buccleuch and James Lomax esq. of Clayton hall, Lancaster. Copy made at Langholm Lodge, 4 June 1802. Original signed 1791.

⁵⁹ N.A.S. GD 224/459 pp. 271-275, Contract & Agreement between his Grace the Duke of Buccleuch and James Lomax esq. of Clayton hall, Lancaster. Copy made at Langholm Lodge, 4 June 1802. Original signed 1791. That the plan was Keir's suggestion, see N.A.S. GD 224/657/1/126, 127, William Keir to Duke of Buccleuch, 28 May 1794.

⁶⁰ N.A.S. GD 224/459 pp. 271-275, Contract & Agreement between his Grace the Duke of Buccleuch and James Lomax esq. of Clayton hall, Lancaster. Copy made at Langholm Lodge, 4 June 1802. Original signed 1791.

management of the Byreburn colliery and, after a number of serious setbacks and the investment of over £1000 pounds in the first two years,⁶¹ could report in January 1794 that the country was now 'fully supplied' with coal and that he hoped the venture would soon turn a profit.⁶²

Throughout the duke's involvement in the coal works at Canonbie, it is apparent that one of the most important reasons behind the investment in the colliery was the need to supply that area with fuel, rather than the immediate income that the mine might generate. Keir noted that one of the main reasons for what he later described as the 'extraordinary expences' of the project,⁶³ was the fact that they had been forced to start working the coals before the works were properly prepared, noting, 'the situation of the country at the time, in some measure compelled me to this, as there was no coals to be had from Mr Lomax for some months & the country were starving for want of fire'.⁶⁴

The improvement of the infrastructure of the Buccleuch estate as described above, shows not only the extent to which the overall strategy of the estate was geared towards facilitating agricultural improvement, but also the importance of large scale investment and estate-wide coordination to create favourable conditions for improvement. The extent of this investment is revealed though surviving expenditure summaries and commissioners' accounts, through which it is possible to estimate average annual improvement expenditure on the South Country estates for the years 1776 to 1792 inclusive. During this period average expenditure ran at just over £1385 per annum, representing just under 6% of the gross annual rental of the

⁶¹ For details, see the correspondence from William Keir to Duke, November 1791 to May 1794, N.A.S. GD 224/657/1/82, 95, 96, 97, 98, 103, 108, 113, 114, 115, 120, 121, 122, 123, 126, 127; and various reports, N.A.S. GD 224/459 pp. 203-4, 210-212. Keir later described his management of the coal works as 'the most troublesome & . . . slavish' business he had ever entered into. N.A.S. GD 224/657/1/95, 96, William Keir to Duke of Buccleuch, 27 May 1792.

⁶² N.A.S. GD 224/657/1/123, William Keir to [William Cuthill], 13 January 1794.

⁶³ *Ibid.*

⁶⁴ N.A.S. GD 224/657/1/95, 96, William Keir to Duke of Buccleuch, 27 May 1792.

estate.⁶⁵ Although no accounts have been located for 1793 and 1794, Keir's estimated costs for the improvements to be carried out in these years were £2079 and £1382 respectively.⁶⁶ By the final three years of the duke's administration improvement expenditure on the same estates had risen to an average of £5241 per annum, representing over 12% of gross rental.⁶⁷

The improvement of the infrastructure of the Buccleuch estates as outlined above, reveals the estate's commitment to creating an environment conducive to the improvement of agriculture, and emphasises the primacy of this goal within estate policy. It also serves to highlight the integrated and coordinated nature of the land management strategy pursued during this period, where the resources of estate were mobilised towards achieving this central aim, and as such indicates a vital aspect of 'improvement from above'. It is, however, a contention of this thesis that before a full account can be given of the estate's commitment to improvement, consideration must be given to other concerns that had a bearing on the overall management

⁶⁵ The total expenditure for 1776-1792 was £23,547, averaging at £1385 for the seventeen years, representing 5.98% of the gross rental collected in 1792 (£23,174). N.A.S. GD 224/345/9, Accompt of charge and discharge of William Keirs intromissions and payments as manager of his Grace the Duke of Buccleugh's Woods & director of his Improvements from 1st Jan 1776 to 1st Jan 1777; N.A.S. GD 224/345/15, Accompt of charge and discharge made by William Keir manager of the woods and improvements upon his Grace the Duke of Buccleugh's Estates of his intromissions from the 1st Jan 1777 to 1st Jan 1779; N.A.S. GD 224/584/11/2 State of his Grace the Duke of Buccleugh's gross & neat annual fortune in Scotland [1792]; N.A.S. GD 224/584/11/14, State shewing the rental of his grace . . . under Adam Ogilvie's collection. 1795; N.A.S. GD 224/269/28, Accompt of Charge and discharge betwixt his Grace Henry Duke of Buccleugh and John Davidson . . . 13 Sept 1791 – 13 Sept 1792. The figures for 1781 – 1791 do not include any additional income from the produce of the woods or the marle works, which was used by Keir as part of his improvement budget. It is unclear whether the other figures include this in their accounts. Keir noted in 1792 that 'the small produce arising at present from the woods etc.' could not be counted on to pay for improvement expenditure, 'as it is seldom equal to the expence of management, and the contingent expences for small things that occur, which cannot be foreseen or estimated'. N.A.S. GD 224/657/1/95, 96, William Keir to Duke of Buccleuch, 9 May 1792.

⁶⁶ N.A.S. GD 224/459 p. 203, Report of works that seem necessary to be done upon his Grace the Duke of Buccleugh's Estates in the Counties of Dumfries, Roxburgh and Selkirk in 1793. Under the direction of Mr Keir [n.d.]; *ibid.*, p. 210, Report of the works proposed to be done in the year 1794 under the direction of Mr Keir, and state of accounts remaining unpaid for works formerly done. May 28, 1794.

⁶⁷ This is an average for the three years 1811, 1812 and 1813, respectively £3060, £6824 and £5840: percentage based on gross rental collected in 1812, £43,557.15.11. N.A.S. GD 224/527/2, Accompt of Charge and Discharge betwixt His Grace the Duke of Buccleuch and Queensberry and Charles Riddell of Muselee, Crops 1810, 1811 & 1812.

policy of the estate and on the manner in which this policy might be implemented. And it is to this subject that this chapter now turns.

II. Interest and Estate Management

Landownership in Scotland during the eighteenth and early nineteenth centuries remained a source not only of wealth but also of social status and political power. In regard to its overall management, therefore, in addition to being considered as a purely economic entity whose sole focus was to increase productive efficiency and income, the management of an estate - and in particular the management of a great estate - had also to function with regard to the wider social and political interest of the landowner.⁶⁸ These issues were of particular significance during the period under examination, when rapid economic, social, and political change threatened to undermine the established relationship between landowners and those living upon their estates.⁶⁹ The continuing influence of such 'extra-economic' concerns over management policy are of particular relevance to the study of a great landed estate such as the Buccleuch estate. The role of kinship and family loyalty, it can be argued, was particularly significant upon Border estates where until relatively recently the social bond of a family 'name' functioned in a similar manner to the clan in the Highlands; as late as the 1680s it was stipulated that the assessors for each district in a survey of the Buccleuch estates should be 'Scotts'.⁷⁰ This notion of family loyalty continued to be expressed in the form of the ritualised celebration of family birthdays, weddings and other occasions by tenants during the third duke's

⁶⁸ Campbell, 'The Landed Classes', pp. 94-6; Beckett, 'Landownership and Estate Management', pp. 545-6, 564, 596.

⁶⁹ Beckett, 'Landownership and Estate Management', p. 545.

⁷⁰ Dodgshon, 'Agricultural Change', p. 51.

administration, and in the language in which tenants and the duke described their relationship.⁷¹ Indeed, it can be argued that the duke's tenure saw a conscious revival of these aspects of their relationship. Contemporary references to Buccleuch's actions as landowner and improver were frequently couched in terms of 'benevolence', paternalism and the revival and maintenance of traditional relationships,⁷² while after his death the duke's and duchess's personal acts of charity towards those resident upon their estate attained almost folk-mythic status.⁷³

As has been widely recognised, the process of agricultural improvement represented not only an important shift in the economic orientation of estate management but also a fundamental change in the relationship between landlords and tenants and indeed others living upon their estates. As one historian has noted 'Paternalistic traditions of the older world came under enormous pressure',⁷⁴ while for another what was left of 'lingering paternalism' was 'eliminated under the pressure of the commercial ethos'.⁷⁵ However, as C. A. Whatley has stressed, whereas earlier, more deferential accounts of paternalism have characterised it as an essentially benevolent, one-sided relationship, paternalism in fact operated very much as a two-way, reciprocal system; one which demanded 'certain kinds of response on the part of the "people above"' who by defaulting in the obligations to their social inferiors could suffer individual

⁷¹ See for example tenants of Eckford celebrating Lord Dalkeith's birthday in 1793, and the account of '60 gentlemen, clergy and gentleman farmers' celebrated the duke's birthday in Langholm in 1801. N.A.S. GD 224/657/1/113-115, William Keir to Duke of Buccleuch, 11 June 1793; *Dumfries Weekly Journal*, 22 September 1801. For the duke's professed attitude towards his tenants, see below p. 206.

⁷² For example Alexander Carlyle's description of the duke's tenants' anticipation of his majority: 'The family had been kind to their tenants, and the hopes of the country were high that this new possessor of so large a property might inherit the good temper and benevolence of his progenitors. I may anticipate what was at first only guessed, but came soon to be known, that he surpassed them all, as much in justice and humanity, as he did in superiority of understanding and good sense.' For further examples see Dwyer and Murdoch, 'Paradigms and Politics', p. 241; and Dwyer and Murdoch, 'Henry Dundas revisited', p. 327.

⁷³ 'The Duke and Duchess became equally endeared to the tenants and poor upon their estates, his Grace sometimes, it would appear, imitating King James the Fifth by paying visits in disguise to the peasant-homes of the district'. Fraser, *Scotts of Buccleuch*, p. 496.

⁷⁴ T. M. Devine, *The Transformation of Rural Scotland*, pp. 47-50.

⁷⁵ Ian Whyte, 'Rural Transformation and Lowland Society', in A. Cooke, I. Donnachie, A. Macsween, and C. A. Whatley (eds.), *Modern Scottish History: 1707 to the Present. Volume I: The Transformation of Scotland, 1707 - 1850*, (East Linton, 1998), p. 96.

discomfort and collective loss'.⁷⁶ Improvement policies could often mean an upset in the balance of a system that relied upon traditional and customary practices fulfilled by both sides and which could in turn lead to a fundamental change in the nature of the relationship between landlord, tenant and dependants. The continuation of paternalistic elements in estate management can be characterised not merely as a remnant of a traditional social system in decline, but rather as an essentially pragmatic response to changing circumstances which functioned primarily as a method of social control and containment that attempted to reinforce the existing social and political structure.⁷⁷ To argue this is not to exclude what might be termed 'genuinely' paternalistic or disinterested motives (or, from the tenant's perspective, a continued loyal or deferential attitude) from the landlord/tenant relationship – rather to note that these have to be considered within the context of the wider social, economic, and political concerns which, at the very least, informed and influenced these approaches.⁷⁸

It is from this perspective that this section intends to examine the way in which such social and political concerns manifested themselves within the management of the Buccleuch estates. It will be argued that the management policy had to take into consideration a number of such factors in addition to those purely concerned with economic imperatives. Before examining the way in which aspects of estate policy were used in an attempt to retain social control over the behaviour of tenants and their dependents during this period, this section will begin by examining the role of military recruitment in the relationship between the inhabitants of the estate and the duke.

From the late 1770s to the end of his life, the duke played an enthusiastic and active role in military affairs. In April 1778, after successfully petitioning the King, Buccleuch was granted the right to establish and command the Southern Fencible Regiment. In his role as Lord

⁷⁶ Whatley, *Scottish Society*, pp. 150-151.

⁷⁷ *Ibid.*, pp. 205-9, 305, 323.

⁷⁸ For the role of 'benevolence' in William Keir's vision of improvement, see below pp. 240-245.

Lieutenant for Midlothian and East Lothian (appointed 1794), and Roxburgh (from 1804) the duke was responsible for the organisation of home defence in these counties; and in 1803 was appointed colonel of the 2nd and Royal Leith regiments, followed by a colonelcy of the 10th Edinburgh regiment of militia.⁷⁹ Although a detailed examination of the duke's military career is beyond the scope of the present thesis, it can be argued that the duke's military concerns formed an important part of his overall 'interest' in those counties in which his estates lay. It is with respect to the cultivation of this aspect of his interest, both in terms of military recruitment upon the Buccleuch estates and what it reveals of the 'extra-economic' relationship between the duke, his tenants, and their dependants that this thesis will now examine.

The role of military recruiting on the development of estate policy in the Highlands, particularly from the outbreak of the Seven Years' War in 1756, has been well established.⁸⁰ Although there could be parallels concerning the political motives for agreeing to raise men from one's estate,⁸¹ the economic context of raising a regiment such as the duke's Southern Fencibles or the several Yeomanry Cavalry troops associated with the duke's estates during the 1790s was strikingly different. Whereas recruits drawn from a Highland estate were considered as a fiscal resource and recruitment as 'an economic strategy born of the landlords' search for additional, relatively secure income',⁸² for the third duke military involvement represented a significant and ongoing expense.⁸³ That said, the relationship between raising a regiment and the management of the estate can be argued as revealing an interesting aspect of the duke's relationship with

⁷⁹ Alexander Murdoch, 'The Third Duke of Buccleuch', *New Dictionary of National Biography*, (forthcoming).

⁸⁰ Andrew Mackillop, *'More Fruitful than the Soil' Army, Empire and the Scottish Highlands, 1715-1815* (East Linton, 2000).

⁸¹ *Ibid.*, pp. 132-133.

⁸² *Ibid.*, p.136.

⁸³ For example, between September 1794 and September 1795, the duke gave a total of £1254.-.11 as contributions towards raising volunteer cavalry in the counties of Roxburgh, Selkirk, and Dumfries. N.A.S. GD 224/269/31, John Davidson's accounts and vouchers from 13 September 1794 to 13 September 1795.

those living upon his estates, and by extension, to have a bearing on the overall management strategy pursued there.

Although the estate's potential for military recruitment had been raised during his minority,⁸⁴ the role of the estate in the duke's military career became central only after he gained permission in April 1778 to raise 2000 men for what would become known as his Southern Fencible Regiment. The following month, William Keir informed the duke that a number of his tenants in the parishes of Canonbie and Langholm had offered him 'every assistance in their power' to promote the success of the new regiment. In order to do so, the tenants proposed to pay an additional bounty to any man enlisting from their parishes, and to this end had in the course of two days raised a subscription of almost £100. Keir noted that the tenants were 'thankfull for this opportunity of shewing their attachment to [the duke] and their gratitude for the indulgence they and their forefathers have injoyed under the Noble family', and that he had no doubt that the tenants upon the other parts of the estate would share their views and would quickly do likewise.⁸⁵ Although the following day the duke advised Keir that such a bounty might be counter productive, he expressed his approval of their sentiments noting, 'the behaviour of my tenants has given me the greatest pleasure, I have always wished much to gain the affections of those living on my estate, I am sure I have upon all occasions considered their ease and happiness before any pecuniary advantage to myself', concluding that 'The return they wish to make me upon this occasion is much more satisfactory to me than any raise, or increase of rental they could have offered me'.⁸⁶ The link between the duke's estates and the regiment

⁸⁴ On Townshend's instructions the estate factors were ordered in 1761 aid in the recruiting for James Johnstone's regiment in Germany. N.A.S. GD 224/91/1 p. 13, Kenneth Mackenzie to John Craigie, 16 June 1761.

⁸⁵ N.A.S. GD 224/655/2/12, William Keir to Duke of Buccleuch, 9 May 1778 [copy].

⁸⁶ N.A.S. GD 224/655/2/13, Duke of Buccleuch to William Keir, 10 May 1778.

was reinforced by the use of the duke's estate personnel as recruiting officials⁸⁷ and by the fact that two-thirds of regiment were recruited from those counties in which the duke was a major landowner and possessed a substantial political interest.⁸⁸

The relationship between military recruitment and the inhabitants of the duke's estates became even more explicit during the raising of volunteer units in the 1790s. In 1792, after the outbreak of war with France and with growing fears of radical insurrection, the issue of home defence had again become a pressing one. Indeed, the possibility of such forces having to deal with, as one correspondent noted to the duke 'intestine commotions', placed the loyalty and thus social status of such forces to the centre of the debate.⁸⁹ The duke was noted in 1792 as favouring the raising of small bodies of men in different districts under the command of 'gentlemen of confidence', under the overall command of Lords Lieutenant,⁹⁰ and this was indeed the format that was adopted in 1794 when the government (on Henry Dundas's advice) sanctioned the forming of armed loyalist associations to be known as the Volunteers.⁹¹ An interesting aspect present in the ongoing discussions regarding the form such bodies should take, was the particular stress placed on their social composition. From the outset, these units had been envisaged as a force consisting of 'men of property', whose main role would be the maintenance of internal order, and careful vetting was used to ensure the suitability of

⁸⁷ William Ogilvie (Chamberlain for the South Country Estates), John Alves (Chamberlain for the Dalkeith Estate) and Matthew Little (Deputy Chamberlain for Langholm) all acted as recruiting officials for the regiment. Mary Margaret Lodge, *The Militia Issue: The Case of the Buccleuch Fencibles 1778-1783*, University of Edinburgh M.Litt. Thesis, 1985, pp. 106, 114. William Ogilvie recruited in Canonbie on 22 May 1778. N.A.S. GD 224/269/9, Vouchers for John Davidson's Accounts 1778-1779.

⁸⁸ Analysis of the enlistment papers by Mary Margaret Lodge shows that 66% of the total regiment was recruited in the counties of Midlothian, Dumfries, Roxburgh and Selkirk. Lodge's analysis also shows that just over 40% of the regiment's Scottish born recruits (89.6% of the total regiment) were born in the counties of Midlothian, Dumfries, Roxburgh and Selkirk. Lodge, *The Militia Issue*, pp. 81, 86.

⁸⁹ N.A.S. GD 224/31/6/18, 19, Sir William Maxwell to Duke of Buccleuch, 17 December 1792.

⁹⁰ As reported by William Maxwell of Springkell, N.A.S. GD 224/31/6/18, 19, Sir William Maxwell to Duke of Buccleuch, 17 December 1792.

⁹¹ Brown, Henry Dundas, pp. 178-9.

prospective volunteers.⁹² John Rutherford of Edgerston wrote to the duke regarding the proposals for Roxburghshire, indicating that an ideal 'constitutional force' would consist of the 'gentlemen & principal farmers',⁹³ while in a later letter on the same subject he outlined how the cavalry should consist of 'the gentlemen, yeomanry, principal farmers, & a few of the chief inhabitants of the town', while a separate body of infantry should be made up of 'the best of the next rank in society that can be pitched upon'.⁹⁴ Writing in 1797 to stress the importance of the duke being seen to support the yeomanry corps of cavalry then being formed, Henry Dundas argued that only by forming a 'connection between the gentlemen of rank and the yeomanry in England, and the persons of rank and the substantial farmers in Scotland' would the constitution be protected from the 'various combinations' that threatened it.⁹⁵

These ideological concerns provide the backdrop to the attempts to raise volunteer troops from the duke's own estates. Writing in March 1797 on the proposal to raise a troop of yeomanry cavalry from Eskdale under the duke's son (and Lord Lieutenant of Dumfriesshire), Lord Dalkeith, Keir stated that he believed that 'all our tenants of the sheep farms within the age, & their sons, will inroll to a man', while noting at the same time that he believed it would be possible to raise 200 loyal men for an infantry corps from the same district.⁹⁶ A year later, Keir noted that he had reported 'Lord Dalkeith's wishes' regarding the formation of yeomanry cavalry to all of the duke's tenants in that part of the country, and that between 25 and 30 had come forward to make an offer of their services, and that several more were expected. Keir also

⁹² *Ibid.*, p. 179.

⁹³ N.A.S. GD 224/31/14/2, John Rutherford of Edgerston to Duke of Buccleuch, 12 May 1794.

⁹⁴ N.A.S. GD 224/31/14/3, John Rutherford of Edgerston to Duke of Buccleuch, 13 July 1794. On another occasion, Rutherford referred to 'our farmer cavalry'. N.A.S. GD 224/31/14/5, John Rutherford of Edgerston to Duke of Buccleuch, 5 December 1794.

⁹⁵ N.A.S. GD 224/30/3/9, 10, 11, Henry Dundas to Duke of Buccleuch, Saturday 10 [June 1797]. The following week Dundas noted to the duke that the 'chief struggle' after any peace had been declared with France would be the protection of King and constitution from the 'madness and wickedness of the enemies to both at home', and that the yeomanry corps would play a central part in that defence. N.A.S. GD 224/30/3/12-16, Henry Dundas to Duke of Buccleuch, 17 June 1797.

⁹⁶ N.A.S. GD 224/657/2/10, 11, William Keir to Duke of Buccleuch, 15 March 1797.

related that many of the duke's tenants in Liddesdale had also expressed a wish to join Lord Dalkeith's cavalry, but as they were already engaged in the Roxburgh yeomanry, they would require the duke's intervention to allow them to serve. If this was done, Keir estimated that the duke's tenants in Eskdale and Liddesdale would provide 40 to 45 men.⁹⁷ As had been the case with the duke's fencible regiment, Buccleuch estate personnel were once again involved in recruitment upon the estates, and this time also participated in military service: William Keir was appointed as commander of the troop of yeomanry cavalry raised by Lord Dalkeith from Eskdale and was active in recruiting for the troop,⁹⁸ while Adam Ogilvie accepted a commission as a Lieutenant in the Roxburgh yeomanry cavalry.⁹⁹

This military relationship between the duke and his tenants from the mid-1790s was one such extra-economic consideration that had to be considered in the development of estate policy. Any policy regarding the treatment of tenants would have to consider this wider relationship and the danger of alienating the duke's tenantry, the duke's influence being regarded as of crucial importance to gaining the involvement of not only his own tenants but also of other landowners.¹⁰⁰ Additionally, the forming of yeomanry troops out of the tenantry could also serve to reinforce the existing hierarchy by having the military organisation mirror the existing social structure. The desire for a truly 'constitutional army' can be seen as not only a pragmatic

⁹⁷ N.A.S. GD 224/657/2/38, William Keir to Duke of Buccleuch, 28 March 1798.

⁹⁸ N.A.S. GD 224/657/2/48, William Keir to Duke of Buccleuch, 24 October 1798; *ibid.*, 49, William Keir to Duke of Buccleuch, 6 December 1798.

⁹⁹ On accepting the commission Ogilvie noted to the duke, 'I am satisfied that it will not forward the improvement of your Grace's estate.' N.A.S. GD 224/659/4/16, Adam Ogilvie to Duke of Buccleuch, 17 May 1797.

¹⁰⁰ When it was noted that the duke delayed in subscribing to the Roxburgh Yeomanry, Adam Ogilvie wrote to the duke noting he had 'no idea how much your friends here are hurt at your not subscribing. All of them have taken an active part in the internal defence of the county, with your approbation hitherto; some of them on your account, and through your influence: and if you leave them now, when they have passed the Rubicon, you will leave them in a sirupe indeed; for the landholders of the county, in and about Edinr, seem to hang upon your Grace's example'. N.A.S. GD 224/659/4/15, Adam Ogilvie to Duke of Buccleuch, 11 June 1797. For Dundas's reaction and the duke's explanation see; N.A.S. GD 224/659/4/11-14, Duke of Buccleuch to Adam Ogilvie, 13 June 1797 [copy]. N.A.S. GD 224/30/3/9, 10, 11, Henry Dundas to Duke of Buccleuch, Saturday 10 [June 1797]; N.A.S. GD 224/30/3/12-16, Henry Dundas to Duke of Buccleuch, 17 June 1797.

response to the threat of invasion and internal uprising (i.e. by raising a force unquestionably loyal to the existing order), but also as a means of reinforcing that loyalty. Finally, the estate's involvement in military recruitment could also be seen as another aspect of the way in which estate policy could be used to maintain influence over those living upon the estates that went beyond the strictly economic and legal spheres – an relationship perhaps most strikingly represented in William Keir's joint role as both overseer of improvements and Troop Commander to the duke's Eskdale tenants.¹⁰¹

Before leaving this subject to discuss more explicit areas of social control and influence upon the estates, one further aspect of the duke's military involvement in the context of this present study is worth noting. The issue of voluntary armed service played a notable role in Scottish Enlightenment discourse, particularly in the debates surrounding Scotland's right to raise a militia,¹⁰² and evidence suggests that the duke was party to the debates surrounding this issue. The duke was, along with Adam Smith, a member of the Poker Club, and a founder member (along with Smith, Adam Ferguson and John Home) of the short lived 'Anti Gallican Society' (founded in 1780), which aimed to promote national defence by offering prizes for proficiency in military skills.¹⁰³ His conception of his own military involvement in the patriotic terms used in the militia debate is revealed in correspondence regarding the raising of the Southern fencibles. On describing his anxiety for the success of his newly formed regiment, the duke noted that he considered not only his personal honour at stake, but also the 'Honour of Scotland', noting that 'His Majesty at my desire, has placed a confidence in us that has been for

¹⁰¹ A further link is made apparent in the duke's attempts to encourage men to sign up to the militia in 1797. According to J. R. Western, 'The Duke of Buccleuch pointed out the advantage to the men of having gentlemen of their own county as officers. They could be sure of being looked after, both in the service and when they returned to civil life. The Duke's remarks show well how the gentry might bring forward labourers and servants dependant on their favour'. J. R. Western, 'The Formation of the Scottish Militia in 1797', *Scottish Historical Review*, 34 (1955), 13.

¹⁰² Robertson, *Scottish Enlightenment and the Militia Issue*.

¹⁰³ *Ibid.*, , p. 137.

many years most unjustly denied to Scotland [:] I mean that of arming for our own defence.'¹⁰⁴

Later correspondence also reveals that this was an issue that the duke also discussed with Adam Smith. In December 1792 Sir William Maxwell argued in a letter to the duke regarding possible options for raising men to 'quell' future radical activity, that a 'constitutional army' would be preferable to a national militia, noting 'Dr Adam Smith's plan for the establishment of a constitutional army, and which I have heard him mention to your Grace, would in my humble opinion, be the best of all safeguards for the defence and protection of the Kingdom, either against foreign invasion or intestine commotions'.¹⁰⁵ Although the date of the conversation to which Maxwell refers is unknown, records show that Maxwell dined with the duke and Smith at Dalkeith House on at least six occasions between August 1788 and February 1789.¹⁰⁶

As has been outlined in earlier chapters of this thesis, letting policy played a central role in the attempts to implement improvements upon the Buccleuch estates. The granting of longer leases had been one of the central goals of the duke's initial improvement strategy,¹⁰⁷ while the setting of rent levels at the optimum level for encouraging improvement had been a key aim of William Keir's attempt to regulate the management of the duke's upland estates.¹⁰⁸ In addition to being seen as a crucial tool to encourage improvement, however, letting policy could also be used as a means of social control, both in terms of the selection of tenants and the regulation of their behaviour.

¹⁰⁴ N.A.S. GD 224/655/2/13, Duke of Buccleuch to William Keir, 10 May 1778.

¹⁰⁵ N.A.S. GD 224/31/6/18, 19, Sir William Maxwell to Duke of Buccleuch, 17 December 1792.

¹⁰⁶ N.A.S. GD 224/1085/1, Dalkeith House Day Book, 1775-98. Although Smith did argue that a militia was not the most suitable or effective method of military organisation in a modern state, the phrase 'constitutional army' is not used by Smith in any of his writings on the subject. For Smith's view on the militia issue see Ross, *Life of Adam Smith*, pp. 346-347.

¹⁰⁷ See chapter 3 below.

¹⁰⁸ See chapter 5 below.

Writing in 1784 William Ogilvie described the 'three capital articles' of tenant behaviour, which when contravened could lead to a tenant losing his or her lease: 'paying his rent, using his farm properly & maintaining a good character amongst his neighbours'. Ogilvie stated that under his tenure as chamberlain no one had ever been turned out who had not transgressed in one of these respects.¹⁰⁹ The criteria for the selection of new tenants mirrored these three articles, with the financial means of the tenant, his abilities and reputation as a farmer, and his general character all being considered before a judgement was made.¹¹⁰ In this process overtly political concerns could manifest themselves: when the duke's tenant in the sheep farm of Newhouse, a Mr Miln of Faldonside, declined to accept the new rent put on his farm at the set of 1792, his previous failure to align himself to the duke's political interest in Roxburghshire was a contributing factor in his losing his farm.¹¹¹ Two years later when Miln approached the duke's chamberlain with regard to securing the tenancy of another of the duke's farms for his son, Adam Ogilvie ensured that Miln had made a 'voluntary and unconditional' commitment to the duke's interest before negotiations for the farm even began.¹¹² More common, however, were cases where a tenant had been found guilty of 'improper conduct'. The removal of such tenants could be justified not only in pragmatic terms as maintaining the peace of the estate, but also in moral terms: as Keir noted in the case of a tenant who had attempted to ruin his brother in order to gain the other half of their jointly-held farm: 'The punishment of Walter Irving for his improper conduct, by dispossessing him of the farm, seems to be in some measure necessary for the general welfare of society; and the other poor man will probably by

¹⁰⁹ N.A.S. GD 224/659/2/9, William Ogilvie to Duke of Buccleuch, 9 February 1784.

¹¹⁰ See for example, N.A.S. GD 244/657/1/90-91, William Keir to Duke of Buccleuch, 8 April 1792.

¹¹¹ N.A.S. GD 224/659/3/53, Adam Ogilvie to Duke of Buccleuch, 16 March 1792; *ibid.*, 57, Adam Ogilvie to Duke of Buccleuch, 10 April 1792.

¹¹² Ogilvie reported that his tactics had led to a double success, in that having gained Miln's assurance of unconditional political support prior to discussing the farm, Miln had no grounds to make any objections regarding the stipulations of the new lease. N.A.S. GD 224/659/3/71, Adam Ogilvie to Duke of Buccleuch, 25 February 1794; *ibid.*, 72, Adam Ogilvie to Duke of Buccleuch, 14 March 1794; *ibid.*, 73, Adam Ogilvie to Mr Miln, 6 March 1794.

that means be preserved from utter ruin.'¹¹³ At the other extreme, the estate could also reward good tenants who had become unable to work their farms by providing a small piece of land sufficient for their and their family's support.¹¹⁴

One area in which the use of letting policy to regulate social behaviour becomes more explicit is in the estate's response to poaching from the mid-1780s. From the outset of what was a concerted campaign to prosecute poachers the duke emphasised that he viewed the matter as one of the utmost importance, describing in a letter to Keir of October 1783 that it was 'the most urgent proceeding I ever knew', adding that he was determined to 'spare neither expence or trouble in detecting those people that destroy the game'.¹¹⁵ The following month he reiterated his determination to prosecute every person found shooting or killing game without permission,¹¹⁶ and a circular notice was subsequently printed and sent to every tenant upon the estate noting that they would be expected to inform the estate's gamekeepers of any incidents of trespassing or poaching and instructing them 'not to harbour or lett houses to any known poacher or destroyer of the game' unless they wished to incur the duke's 'highest displeasure'.¹¹⁷ At the same time the duke issued instructions advising the gamekeepers upon the estate to cultivate good relations with the herds on the sheep farms, and to inform them that they could depend upon 'proper encouragement' from the duke if they helped to protect the game,¹¹⁸ while in 1785

¹¹³ N.A.S. GD 224/657/2/46, 47, William Keir to Duke of Buccleuch, 5 October 1798.

¹¹⁴ See for example, N.A.S. GD 224/657/1/31, William Keir to Duke of Buccleuch, 17 May 1775; also below p. 214.

¹¹⁵ N.A.S. GD 224/655/2/47, Duke of Buccleuch to William Keir, 23 October 1783.

¹¹⁶ N.A.S. GD 224/655/2/49, Duke of Buccleuch to William Keir, 19 November 1783.

¹¹⁷ N.A.S. GD 224/659/2/3, William Ogilvie to Duke of Buccleuch, 29 November 1783. The use of 'informers' continued to be actively encouraged by the duke: in a letter of November 1791 he noted 'informers whether from good motives, or private animosity ought not to be checked if they ultimately produce good'. One of the most active informers, a William Dickson, supplied information that led to the conviction of twenty three people (for which he was paid £2 2 shillings for each conviction) between 1804 and 1807. N.A.S. GD 224/655/2/84, Duke of Buccleuch to William Keir, 20 November 1791; N.A.S. GD 224/522/2/1, List of Persons convicted for poaching under the game laws . . . [1804 – 1807].

¹¹⁸ N.A.S. GD 224/655/2/49, Duke of Buccleuch to William Keir, 19 November 1783.

the first of a number of attempts to regulate the salmon fishing upon the river Esk was instigated.¹¹⁹

While the estate's developing attitude towards poaching can be seen at least partly as a pragmatic response to the increasing importance of game upon an estate which, evidence suggests, was beginning to be valued for its sporting potential,¹²⁰ the duke's response to a particular poaching incident in November 1785 serves to highlight that the duke believed more fundamental principles were at stake. Keir had informed the duke that the overseer of the Canonbie colliery had gathered a large number of the 'idle people' of the area and hunted with hounds through 'all the farms in the neighbourhood', causing substantial damage.¹²¹ The duke urged prosecution, describing the incident as a 'violent transgression against the law and property of the country', adding, 'the game is not the object with me. I want to teach the people of that part of the country a proper subordination to the laws of the country and a proper respect for my orders in so far as I have authority to give them'.¹²²

It was in the light of this incident with its perceived combination of civil disorder and blatant disregard for property rights and the duke's authority that Keir suggested a different approach to regulate the behaviour of the people living upon the duke's Canonbie estate - one that would explicitly tie estate management policy with questions of social control. Noting that in recent leases for the Glenzier farms in the parish of Canonbie, the cottar houses upon the farms had been reserved to the duke, Keir suggested that if a similar reservation was made on all the other farms in the parish the duke would have it in his power to prevent such future transgressions by 'dispossessing those who may have impropriety'. Keir added that he was

¹¹⁹ N.A.S. GD 224/657/1/55, William Keir to Duke of Buccleuch, 22 April 1785; *ibid.*, 56, William Keir to Duke of Buccleuch, 4 May 1785.

¹²⁰ A keen huntsman, the duke began to introduce pheasants to his estate at Langholm from the mid 1780s, while around the same time Langholm Castle was renamed by the duke, 'Langholm Lodge'. N.A.S. GD 224/657/1/67, William Keir to Duke of Buccleuch, 14 April 1788.

¹²¹ N.A.S. GD 224/657/1/60, William Keir to Duke of Buccleuch, 29 November 1785.

¹²² N.A.S. GD 224/655/2/56, Duke of Buccleuch to William Keir, 8 December 1785.

‘fully persuaded if it was found necessary to make an example or two of this kind it wou’d have a much great[er] effect to restrain others than many prosecutions’.¹²³ Keir’s proposals for Canonbie were subsequently put into practice, as the author of the statistical account for the parish later noted approvingly:

As a check upon the conduct of the lower individuals, his Grace has reserved the cottages upon the farms in his own power; so that, at every term, any offender of this description, against the law of good order, can be turned out of the parish. In all new leases, a clause of nullity is inserted, in case of moral delinquencies therein specified; and tenants, even of a suspicious character, are in danger of losing their farms at the expiry of the lease.¹²⁴

A notice dating from the third duke’s administration reveals a similar approach to regulating the behaviour of those resident in New Langholm. Stating that the duke was ‘determined to employ every lawful means in [his] power, for the purpose of suppressing all idle and disorderly practices within the bounds of [his] estate, and particularly in those villages which have been erected upon them’, it was decreed that the ‘lotted land’ and grazing that had been set to the tenants as part of their building leases and that had since expired, would now be set on annual leases. Any tenants found guilty of disobeying the rules the duke had set ‘for the regulation of conduct’, or indeed, to permit any sub-tenants to live under them who were known to be guilty of any of the prescribed ‘disorderly practices’, would be removed from their land and ‘cow’s grass’. The forfeited lands would then be given to such other tenants of the village that appeared to the duke to be more deserving, particularly in terms of their ‘peacable and orderly conduct’. As with the reservations made on the cottages in the leases in Canonbie, the majority of the ‘idle and disorderly’ practices in question were specified as those connected to trespassing and poaching.¹²⁵

¹²³ N.A.S. GD 224/657/1/60, William Keir to Duke of Buccleuch, 29 November 1785.

¹²⁴ OSA Canonbie, p. 431.

¹²⁵ N.A.S. GD 224/522/3/31, Notice to the inhabitants of the village of the newtown of Langholm [n.d. – but conjecturally dated to the third duke’s administration, post 1790]. In what seems to be a connected development, the manufacturers in Old and New Langholm announced in a memorandum of 1809 that in

An interesting aspect of these attempts by the duke to exert influence over the conduct of his tenants and their dependants through punitive clauses over the matter of poaching is the way in which these practices were perceived to be particularly incompatible with improved agricultural practices. Firstly, the increasingly enclosed landscape was not compatible with hunting with dogs: complaints and notices about such practices highlighted not only the negative effect on game levels but also the damage caused to fencing round the newly enclosed fields and plantations, and to the trees themselves.¹²⁶ A second area of concern implicit in the concerns regarding poaching, was that the practice of hunting and fishing by those described as 'idle folk' was seen as not being conducive to the organised patterns of work demanded by the new agriculture and associated trades. For example, in his attempts to introduce tighter controls to regulate the fishing upon the river Esk within the duke's estate in 1792, Keir argued that a major concern was the 'idleness occasioned amongst the tradesmen & labouring people in the country from the passion they all have for fishing'. The new arrangement (with the fishing rights on the river divided amongst the tenants, who would then be responsible for policing their banks) was in part to put stop to what Keir described as 'that licentious idle spirit which so much prevailed in the country'.¹²⁷ In this respect then, as with the reserving of cottages and the distribution of lotted lands in New Langholm, land management policy was being used to further not only the material improvement of the estate, but also as a means of social control and, it can perhaps be argued, by extension, as a means to effect the moral improvement of its inhabitants. For the minister of Canonbie writing in the 1790s this connection between estate management policy

light of the 'various kinds of trespasses & depredations' that had been made in the grounds of the duke's nearby residence of Langholm Lodge, they had unanimously decided to 'turn off, from their service and employment' anyone that appeared to be in any way guilty of such practices. N.A.S. GD 224/522/3/53, Memorial by the manufacturers in Old and New Langholm to the Duke of Buccleuch, 7 July 1809.

¹²⁶ N.A.S. GD 224/657/1/60, William Keir to Duke of Buccleuch, 29 November 1785; N.A.S. GD 224/522/3/3, Circular Notice [banning the keeping of unauthorised game dogs upon the estate], 1799.

¹²⁷ N.A.S. GD 224/657/1/97, 98, William Keir to Duke of Buccleuch, 20 September 1792; N.A.S. GD 224/522/3/33, Papers relative to Esk Fisheries, [c. 1792].

and the 'manners' of the people was explicit. Enthusiastically extolling his patron's role in the transformation of the parish, he summarised the consequences of the duke's improvements:

Roads were made; farms laid out where the plough had never before entered; commodious houses and offices built and slated at his Grace's expense, for the encouragement of his tenants; the ground divided into enclosures with hedge and ditch; and leases given at a moderate rate. The consequence now is, that luxuriant crops of corn are reaped, where heath, and bent, and moss, had predominated, perhaps, since the deluge; population increased; the spirit of industry roused; the face of the parish beautified; and the inhabitants, in point of civilisation, proportionably improved.¹²⁸

The account's optimistic assessment of the salutatory effects of improvement upon the inhabitants of the duke's estate, however, seems to be at odds with the growing fears revealed in estate correspondence. Indeed, the concerns to have greater control over those living upon the estates witnessed in the letting policy in Canonbie and New Langholm must be seen against the background of increasing apprehension by the duke and his administrators over the behaviour of the 'lower orders' upon the estates, and the growing fears of social unrest. The 1790s saw what had been earlier considered as the general unruliness of the duke's Eskdale and Canonbie estates given a new ideological edge by events in France:¹²⁹ a rebellion over the payment of poor rates in New and Old Langholm in 1791¹³⁰ was followed a year later by a 'daring & seditious riot' in the town.¹³¹ On the afternoon of Friday 9 November 1792 twelve or thirteen people who styled themselves the Revolution Club congregated at a bonfire at Langholm Cross to celebrate the success of the French. Three public toasts were drunk, reported as being 'success to the French Revolution', 'George the third and last king', and 'liberty and equality to all the world', each followed by 'a general discharge' of the guns they were carrying. That evening, candles were set

¹²⁸ OSA Canonbie, pp. 417-8.

¹²⁹ In 1791 in a letter regarding getting suitable people to look after the his woods and plantations in Eskdale, the duke noted to Keir 'I know you have a very bad set to deal with in your part of the country, consequently the attention ought to be the greater, and the persons employed of the strictest honesty, sobriety and firmness.' N.A.S. GD 224/655/2/84, Duke of Buccleuch to William Keir, 20 November 1791.

¹³⁰ N.A.S. GD 224/522/3/46, Memorial John Maxwell of Broomholm to the Duke of Buccleuch. 1797; *Ibid.*, Defence for the Defenders to the Lybell given in to the Baron Baillie by Mathew Murray against sundry for poor rates; *ibid.*, List of names of those refusing to pay poor rates. Whitsunday 1791 Langholm.

¹³¹ N.A.S. GD 224/31/6/17, Sir William Maxwell of Springkell to Duke of Buccleuch, 19 November 1792.

up in the windows of the club members' houses, and a mob of boys were sent through the streets 'to oblige all the inhabitants to illuminate their windows . . . and they did accordingly break the windows where the inhabitants refused to comply with their orders'.¹³² Although the near panic over the rise of radicalism in 1792 soon faded,¹³³ the unrest over the Militia act in 1797, which led to widespread disturbances and fears over the safety of the duke's family at their Langholm residence,¹³⁴ was seen as the culmination of a threat that had been growing for some time, illustrated by a letter written by Adam Ogilvie at the end of 1797:

I confess, that for five years past, I have thought, that every year has discovered stronger symptoms of the danger we are in of having a revolution in the government of this country; or at least of a Disposition formenting somewhere to undermine, and at length overturn it. I am sorry to think, that should such an attempt ever be made, there is a considerable portion of the common people not to be depended on . . . The conflagration, which the Militia Act occasioned displayed the worst proof of the dispositions of the common people, & had the worst effect upon their minds; the flame has ceased, but I fear that the embers are not quite extinguished; and I dread and depreciate every thing that may revive a similar seen. Nothing can be worse than to give the people an idea of their own power; and how little their betters are able to controul them without a military force.¹³⁵

¹³² N.A.S. GD 224/657/1/101, William Keir to Duke of Buccleuch, 13 November 1792; *ibid.*, 105, 106, 107, William Keir to Duke of Buccleuch, 19 December 1792; N.A.S. GD 224/655/2/98, Note on the Langholm Riot [nd]; *ibid.*, 104, Hugh Warrender to William Keir, 3 December 1792; *ibid.*, Hugh Warrender to William Keir, 6 December 1792; *ibid.*, Duke of Buccleuch to William Keir, 6 December 1792; N.A.S. GD 224/30/2/13, Robert Dundas to Duke of Buccleuch, [December] 1792; *ibid.*, 16, Robert Craigie to Robert Dundas, 5 January 1793. There seems to have been at least one earlier 'riot' in Langholm in 1788, referred to in a letter of 23 October 1788. N.A.S. GD 224/655/2/68, Hugh Warrender to William Keir, 23 October 1788.

¹³³ In November 1792 the duke's friend and Dumfriesshire neighbour, Sir William Maxwell of Springkell, wrote to the duke on what he described as a matter of 'national concern' regarding the work of 'unknown emissarys of sedition' who had been 'sowing the seeds of discontent, faction, and rebellion, amongst the lower classes of the people'. Maxwell noted that 'Paine's pamphlet, or the cream and substance of it, is now in the hands of every countryman' and that medals of liberty and equality had been sent to several ministers, adding that the 'daring & seditious riot' at Langholm was 'too certain an indication of the seditious inclinations of the lowest people of this country in general' N.A.S. GD 224/31/6/17, Sir William Maxwell of Springkell to Duke of Buccleuch, 19 November 1792.

¹³⁴ N.A.S. GD 224/657/2/25, 26, William Keir to Duke of Buccleuch, 31 August 1797. Keir's letter included pledges of loyal support from tenants to protect the duchess and family, 'and to spend the last drop of their blood if need require'. *Ibid.*, 27, John Armstrong to Captain George Maxwell, [August 1797]. Ironically, as part of the committee instigated to discuss the possible implementation of a Scottish militia the duke had argued strongly against it, and only grudgingly accepted its implementation. David J. Brown, Henry Dundas & the Government of Scotland, University of Edinburgh PhD Thesis 1989, pp. 223-224. Buccleuch was part of the 'small group of officials and notables in Edinburgh' who directed attempts to restore order in the face of the anti-militia riots. Western, 'Scottish Militia', p. 12.

¹³⁵ N.A.S. GD 224/659/4/1, Adam Ogilvie to Duke of Buccleuch, 27 December 1797.

That these matters should impact on the debate surrounding the improvement policy of the estate is illustrated by two further quotes from Ogilvie. Writing in November 1791 regarding Keir's plan to reform the sheep farms, Ogilvie used a striking analogy to warn of the possible consequences of getting rid of led farms: 'But tho' I never should advise your Grace to encourage that sort of farms, the abolishing of them will require caution, were your Grace to cut them all off at once, you would very much reduce the situation of many of your tenants. It would produce an effect too like that of the French Revolution upon the nobles and clergy, while, I fear, you cannot plead state necessity.'¹³⁶ The previous year, in a letter stressing the importance of providing a larger stipend for the vacant parishes of Castletown (in Liddesdale) and Ewes (in Eskdale) Ogilvie noted that 'a long vacancy, without preaching at the Parish Church must give room for seceding interlopers, and have a bad effect among such an ungoverned crew', concluding with a stark warning regarding estate priorities: 'Bad religion is not so easily mended as bad roads'.¹³⁷ The fullest expression, however, of the link between estate policy, social control, and the improvement of the estate would come in the later writings of William Keir: and these, and the extent to which these extra-economic concerns had come to the forefront of estate management policy by the final decade of the duke's administration, will be discussed in the final chapter of this thesis.

¹³⁶ N.A.S. GD 224/659/3/35-6, Adam Ogilvie to Duke of Buccleuch, 15 November 1791.

¹³⁷ N.A.S. GD 224/659/3/28, Adam Ogilvie to Duke of Buccleuch, 23 February 1790.

Chapter 7: The ideology of improvement

Implicit in much of the land management strategy examined in this thesis has been the estate's ongoing commitment to agricultural improvement. This chapter aims to reconstruct aspects of what may be considered the ideological framework behind this commitment: in particular, it will attempt to outline some of the connections between the ideas of the Scottish Enlightenment and the 'ideology of improvement' as practised upon the Buccleuch estates. Firstly, the role of Adam Smith is considered, both in terms of his practical involvement in the duke's affairs and in the possible influence of his ideas. Secondly, William Keir's role is examined, where it is suggested that his vision of improvement reveals both the influence and limitations of enlightenment discourse upon the practical improvement of a great estate. Finally, this thesis returns to assess the role of the third duke in the management of his estates, both in terms of his personal involvement and his attitude towards improvement.

I. Adam Smith

Earlier in this thesis Adam Smith's role as tutor, agent and adviser to the duke of Buccleuch was outlined. It was argued that Smith played a more active role in the duke's affairs than has been previously recognised, particularly during his two-month stay with the duke at Dalkeith in the autumn of 1767. The purpose of this section is to outline the nature of Smith's ongoing relationship with the duke beyond this period, before, more speculatively, suggesting the way in which Smith's particular ideas may have influenced the duke, both in his initial attempts to improve his estate and in his subsequent commitment to improvement.

One of the main difficulties in trying to reconstruct both the personal relationship between the two men and the possible influence of Smith's ideas upon the duke is the paucity of

surviving personal correspondence between the two.¹ However, as Jacob Viner has noted, there is enough evidence drawn from other sources to give an indication of the nature of their ongoing relationship, and to suggest that 'Buccleuch frequently consulted Smith on matters relating to public and private business, and that Smith was occasionally appealed to use his influence with Buccleuch with reference to appointments and to matters which came before the House of Lords'.² Smith's 'formal' involvement with the duke's establishment seems to have continued until the year after the duke's initial visit, with Smith apparently relating the duke's instructions to his legal agent, Archibald Campbell, in September 1768.³ Evidence also suggests that Smith was directly involved in the duke's affairs following the failure of the Ayr Bank (of which the duke was one of the largest shareholders) in 1772, and may even have been involved in drafting the act of parliament that was designed to save the creditors of the bank, and which the duke helped through parliament.⁴ Certainly, contemporaries regarded Smith as remaining close to Buccleuch and of having an ongoing influence with, as one correspondent put it, 'your duke';⁵ and James Boswell and Edmund Burke were amongst those who lobbied Smith in this regard.⁶

¹ Only two letters survive between the duke and Smith, both from Buccleuch. Corr. nos. 210, 26 November 1780; *ibid.*, 293, 24 February 1790. In addition to being a notoriously bad correspondent, Smith had many of his personal papers destroyed shortly before his death.

² Jacob Viner, 'Guide to John Rae's *Life of Adam Smith*', introduction to John Rae, *Life of Adam Smith* (1895, New York 1965), p. 21.

³ See below pp. 224-225. Around the same time (September - December 1768) Smith also wrote a number of letters to Campbell regarding an obscure affair involving a claim on the duke by a branch of the Scott family (Scott of Davington), which Smith initially seems to have believed would be of some concern for the duke. N.A.S. GD 224/918/6/1, Archibald Campbell to Adam Smith, 17 September 1768; *ibid.*, 2, Adam Smith to Archibald Campbell, n.d. [1768]; *ibid.*, 3, Adam Smith to Archibald Campbell, 18 September 1768; Corr. no. 114, Adam Smith to Archibald Campbell, 25 December 1768.

⁴ Smith wrote in September 1772 that, although he had not personally been affected by the banking crash, 'some of my friends for whom I interest myself the most have been deeply concerned in them; and my attention has been a good deal occupied about the most proper method of extricating them.' Corr. 132, Adam Smith to William Pulteney, 3 September 1772. The act in question was 'The Bankruptcy Laws of Scotland Act', 13 Geo. III, c.73, (1772). Viner also suggests that Smith may have also been involved in drafting further legislation dealing with the financial fall out in 1774: 14 Geo. III, c.21, (1774). Viner, 'Guide to John Rae's *Life of Adam Smith*', p.22. As the main shareholders Buccleuch and the duke of Queensberry were sued by the Bank of England for £300,000. See also Ross *Life of Adam Smith*, pp. 241-3. For the attempts of the duke to raise sufficient funds by selling his English estates see, N.A.S. GD 224/918/5. For Smith's discussion of the Ayr Bank - which he described as having been instituted partly for 'publick spirited purposes' and primarily to promote the improvement of land - see WN II.ii.73-4.

⁵ Corr. no. 197, [John Macpherson] to Adam Smith, 28 November 1778.

⁶ Boswell hoped to secure the tenancy of a widow in Canonbie who feared the loss of her farm, while Burke wished the duke to exert his influence in the House of Lords over a private bill. Corr. no. 122, James Boswell to Adam Smith, 28 August 1769; *ibid.*, 145, Edmund Burke to Adam Smith, 1 May 1775; on Burke's case see also Viner, 'Guide to John Rae's *Life of Adam Smith*', p. 21. Smith also wrote to the

Conversely, the duke's ongoing influence over Smith is also evident during this period. In 1773 the duke persuaded Smith not to take up the post of travelling tutor to the duke of Hamilton, and also subsequently to turn down the offer of a similar post to Lord Clive's son.⁷ Even more significantly in terms of Smith's future life, it was by the duke's interest that Smith was appointed in 1778 to the lucrative position of Commissioner of Customs (giving him an additional income of £600 p.a.).⁸ As Smith recounted in a letter two years later, he had proposed on his appointment to the post to give up his £300 pension from the duke. The duke replied via his Cashier that 'though I [Smith] had considered what was fit for my own honour, I had not consider'd what was fit for his; and that he would never suffer it to be suspected that he had procured an office for his friend, in order to relieve himself from the burden of such an annuity'.⁹

In assessing their ongoing relationship it is important to reiterate that these 'formal' connections were based on a close personal friendship between the two men that had been formed during their travels together and remained until Smith's death in 1790.¹⁰ Smith was a frequent guest at Dalkeith House, staying with the duke on occasion for days at a time.¹¹ Indeed, in the final months of his life Smith travelled virtually every Sunday to dine with the duke at

duke on behalf of John Spottiswood (nephew of the printer and publisher William Strahan), in favour of a mutual friend whom they wished appointed to an unnamed parish in the duke's gift. *Ibid.*, 127, Adam Smith to John Spottiswoode, 26 July 1771.

⁷ Smith related the incident in a letter to Andreas Holt: 'In the spring of 1773 a proposal, which many of my friends thought very advantageous was made to me to go abroad a second time. The discussion of this proposal obliged me to go to London, where the Duke of Buccleugh was so good as to dissuade [me] from accepting it.' Corr. no. 208, Adam Smith to [Andreas Holt, Commissioner of the Danish Board of Trade and Economy], [26 October 1780]. For Lord Clive's son see, Ross, *Life of Adam Smith*, p. 253.

⁸ Ross, *Life of Adam Smith*, p. 306.

⁹ Corr. no. 208, Adam Smith to [Andreas Holt, Commissioner of the Danish Board of Trade and Economy], [26 October 1780]. This is in keeping with the duke's later professed attitude towards patronage; 'It quite disgusts me to see the want of feeling & proper, moral rectitude of conduct in many persons of this county when any office is in question. Judges, Dukes, Lords & Commoners are all equally bad if an office suits their friend no matter what the nature of the office is, or what are the qualifications necessary to fill it. Public Justice, & the Civil Government of the Country is seldom thought of them.' N.A.S. Melville Castle Muniments GD 51/9/30, Duke of Buccleuch to Henry Dundas, 10 December 1791.

¹⁰ See above p. 80.

¹¹ The 'Day Book' for Dalkeith House, (which lists the duke's dinner guests) shows Smith as one of the most frequent visitors. N.A.S. GD 224/1085/1, Dalkeith House Day Book, 1775-98. For an example of Smith's longer stays, see the period following the funeral of David Hume when Smith stayed with the duke at Dalkeith from 31 August to 5 September 1776. Corr. nos. 170, 171, 172, all dated from Dalkeith.

Dalkeith:¹² a fact that helps to put into context the duke's final letter to Smith, written during Smith's last illness, and revealing the enduring nature of their friendship:

I hope this fine weather will restore you to your usual strength. I wish you could go to Dalkeith House for sometime, I am sure the country air and gentle exercise will be of service to you. I need not tell you how much I am interested in what ever concerns you, I should be ungrateful if I did not feel, as I do, with regard to your health and happiness. We have lived long in friendship, uninterrupted for one single moment since we first were acquainted. I hope soon to hear from you.¹³

As mentioned above, lack of surviving personal correspondence between the duke and Smith means that any assessment of Smith's intellectual influence over the duke – particularly concerning the management of his estates and his commitment to their improvement – has to be to an extent speculative. Before examining the way in which Smith's ideas relating to improvement of agriculture and the interest of the landed classes may have informed the duke's own outlook and approach, it is worth returning to Smith's role as adviser during the crucial period of transition from minority to majority administration in the autumn of 1767, the period which this thesis has argued set the tenor for the remainder of the duke's career. In chapter 3 of this study Smith's role in several key areas of the duke's initial improvement policy was outlined: correspondence revealed Smith to be party to discussions regarding the implementation of the new management strategy and showed his personal involvement in the attempts to reform the entail of the estate, while his involvement in the plan to instigate a general set of the estates was suggested by his advisory role in the drafting of the advertisement that formed the basis of this policy.¹⁴ In addition to this, correspondence from the following year also indicates the extent to which Smith was involved in the other administrative affairs of the duke. In a letter of 7 September 1768, Archibald Campbell related a conversation with Smith regarding the commission of John Craigie.

¹² Between 21 June 1789 and 17 January 1790 Smith visited the duke 22 times in total. An interesting feature of Smith's visits is that, almost uniquely amongst the duke's guests at this time, he appears to have dined alone with the duke and his family on half of these occasions. *Ibid.*

¹³ Corr. no. 293, Duke of Buccleuch to Adam Smith, 24 February 1790. In the same letter the duke noted he had secured a pension from the government for the daughters of Smith's recently deceased friend, Dr William Cullen.

¹⁴ See above pp. 87-88, 94.

Upon the supposition that his Grace is now to settle Mr. Craigie's accounts during his minority according to Mr. Farquaharsons scheme . . . I think it necessary to mention that upon Mr. Smiths informing me of his Graces resolution to sink Mr. Craigies office and mentioning the sallary claimed by him which Mr Smith thought was £350 but which is only £300 and £25 for a clerk some conversation naturally past upon that subject & the evidence and manner of fixing this sallary and those of former commissioners and receivers. . . ¹⁵

Smith is shown here, not only passing on the duke's orders to Campbell, but also as being involved in the discussions regarding aspects of the duke's Scottish administration, which was at this point being reviewed.¹⁶ In addition to this evidence of Smith's practical role in Buccleuch's affairs during this period, a number of other factors suggest his possible influence over these initial reforms.

Firstly, the 'general set' of the estates, as announced in the advertisement of 20 October 1767, was a much more radical plan than members of the duke's Scottish administration had envisaged. In his 'Hints for improving the Duke of Buccleugh's Estate' submitted to the duke in April 1767 (discussed in chapter 5), William Ogilvie had advocated a more cautious and gradual approach to estate reform. After outlining what would be his ideal scheme of improvement, Ogilvie recommended that such a detailed plan should not be immediately adopted as,

it is a very difficult thing to introduce all at once a sistematical method of culture over so large an extent of country which makes it still more difficult to cope with with [sic] the inveterate adherance to old & established customs, against which reason it too weak, and compulsitores are odious, therefore, a plan more general may be at first adopted, of such sort as may naturally in time lead to one more perfect in practice. . . ¹⁷

As had been outlined in chapter 3, Ogilvie would later make his own reservations about the general set clear in his correspondence. As he remarked when the initial proposals began to arrive – mostly, he noted from 'strangers' – the 'current opinion of the country' was that 'strangers by making offers will only injure the present tenants without aiding themselves'.¹⁸

The memoranda and correspondence of the estate commissioners during the attempt to implement the new policy, with their repeated recourse to the duke for clarification, also strongly

¹⁵ NAS, GD 224/295/2/43, Archibald Campbell to Kenneth Mackenzie, 7 Sept. 1768.

¹⁶ See above p. 104.

¹⁷ NAS, GD224/389/2/1, 'Hints for improving the Duke of Buccleugh's Estate', April 1767. [William Ogilvie]. For an outline of Ogilvie's scheme, see above pp. 146-148.

¹⁸ NAS, GD 224/459 p.29, William Ogilvie to Duke of Buccleuch, 21st December 1767.

suggests that the instructions for the general set were not coming from any of his Scottish agents but from the duke himself or someone else outwith the duke's Scottish establishment.¹⁹

Secondly, the letting policy as outlined in the advertisement seems to be broadly consistent with Smith's own views on the most expedient way in which agricultural improvement could be stimulated. In his lectures on Jurisprudence delivered at the University of Glasgow directly prior to his taking up the post of tutor to the duke, Smith had argued that the best way to improve the land was to break up large estates into smaller owner-occupied farms.²⁰ By exposing the land to the market those most likely to improve would take possession – in Smith's words 'men of scheme and project' – i.e. those with sufficient capital, ambition, and ability to carry out improvements. As a consequence, the level of attention that could be devoted to improvements, and the proportion of capital that could be reinvested into the land, would all be increased.²¹ This 'ideal' solution of breaking up the estate was of course not an option to the duke. But the general set of the estates by way of public advertisement with its particular stressing on 'others' not currently in possession,²² it can be argued, can be seen as an explicit attempt to expose the land to the competition of the market and attract exactly such men of 'scheme and project'. This, combined with longer leases made possible by the proposed entail reform would allow for the kind of long term security of tenure that would encourage improvement; as Smith had stressed in his lectures, 'Farms set out for long leases . . . are those which tend most to the improvement of the country. Short ones, as leases at pleasure, can never induce the tenant to improve, as what he lays out will not be on his own account but on an others.'²³

The possible influence of Smith in his role as adviser and mentor to the twenty-one year old duke during this period is made all the more intriguing if Smith's general ideas on the importance of agricultural improvement and the proper role of the nobility are also taken into

¹⁹ See above p. 97.

²⁰ LJ(A) i.167; LJ(B) 295.

²¹ LJ(A) i.166. For the advantages of a small proprietor see also, WN III.ii.7, and III.iv.19.

²² See above p. 93.

²³ LJ(A) i.167. Smith was later to argue that even a lease of 29 years was 'a period still too short to encourage the tenant to make the most important improvements'. WN III.ii.16.

consideration. In a letter of 4 April 1759 Smith congratulated Lord Shelburne, the father of his student Thomas Petty Fitzmaurice, on the improvements he had made to his Irish estate and contrasted his behaviour with that of Scottish magnates.

We have in Scotland some noblemen whose estates extend from east to west sea, who call themselves improvers, and are so called by their countrymen, when they cultivate two or three hundred acres round their own family seat while they allow all the rest of their country to lie waste, almost uninhabited and entirely unimproved, not worth a shilling the hundred acres, without thinking themselves unanswerable to God, their country and their posterity for so shameful as well as so foolish a neglect.²⁴

This letter not only gives an interesting insight into Smith's opinion of the great Scottish nobility as improvers, but also serves to highlight three related areas of Smith's thought that, it can be argued, have a direct bearing on the way in which we should consider the role he played as tutor and advisor to the duke: firstly, the primacy of agricultural improvement within Smith's model of ideal economic development; secondly, the stringent critique of the nobility that runs throughout his work; and finally, the way in which Smith argued that the interests of the nobility were in fact identical to those of society as a whole and that the improvement of their estates, therefore, was a matter of public concern as well as private benefit. Each of these aspects will now be examined.

For Smith, agricultural improvement was the base upon which sustainable, ideal economic progress was built.²⁵ This is made most apparent in his conception of what he termed the 'natural progress of opulence', outlined in Book III of the *Wealth of Nations*. This was his conjectural model of economic development that a society should 'ideally' go through: a three-stage progression from agricultural improvement to manufacturing to foreign commerce.²⁶ This 'natural' process of economic progression had in practice, according to Smith, been inverted in

²⁴ Corr. no. 30, Adam Smith to Lord Shelburne, 4 April 1759.

²⁵ For comment on Smith's emphasis on the role of agriculture in economic progress, see R. H. Campbell's and A. S. Skinner's 'General Introduction' to WN pp. 45, 57. J. Dwyer offers a different explanation for this in J. Dwyer, 'Virtue and Improvement: The Civic World of Adam Smith', in J. Dwyer *The Age of Passions: An Interpretation of Adam Smith and Scottish Enlightenment Culture* (Edinburgh, 1998), pp. 54-80.

²⁶ WN III.i.8.

the actual historical development of most European nations.²⁷ In a reversal of the 'natural order', the towns had grown by way of foreign trade and had in turn led to the creation of manufactures and, eventually, to the improvement of the surrounding countryside.²⁸ The result of this 'unnatural and retrograde order' was in Smith's opinion a far slower and a more unstable path towards national economic prosperity than would have been the case if the 'natural' order had taken place.²⁹ This argument was reinforced by his analysis elsewhere in the *Wealth of Nations*, which stated that of the three sectors in which capital could be employed – agriculture, manufactures, and commerce – agriculture produced a much greater amount of productive labour for the amount of capital invested.³⁰ Also, in proportion to the amount of productive labour it employed, agriculture added a much greater value to the annual wealth of the country than the other two sectors.³¹ As long as there was land capable of cultivation and improvement, therefore, it was more beneficial for society as a whole to invest in the agricultural sector than in any other area of the economy.³² As Smith summarised, 'Of all the ways in which a capital can be employed, [agriculture] is by far the most advantageous to the society'.³³

²⁷ WN III.i.9.

²⁸ WN III.i.4.

²⁹ WN III.i.9. Smith's prime example of the rapidity of growth where progress had followed the 'natural' order was the American colonies, where, he argued, the 'principal cause' of their 'rapid progress towards wealth and greatness' was the fact that almost all their capital had been employed in agriculture. WN II.v.21.

³⁰ This was due to the fact that in addition to his servants, the farmer's working animals were also 'productive labourers', and, more significantly, 'nature' itself 'laboured along with men; and though her labour costs no expence, its produce has its value, as well as that of the most expensive workmen.' WN II.v.12. This could of course be further enhanced by improvements - Smith explicitly likened the productivity gains achieved from investment in the 'fixed capital' of agriculture (such as drains, fences and buildings), to those gained from investing in machinery in manufactories. WN II.ii.7.

³¹ WN II.v.12.

³² WN II.v.19. See also WN I.xi.1.12, where 'the compleat improvement and cultivation of the country' is noted as 'the greatest of all publick advantages,' and WN II.v.37, where Smith argues that 'agriculture, therefore, is almost everywhere capable of absorbing a much greater capital than has ever yet been employed in it.' A further advantage Smith gave was that, unlike the capital employed in trade or manufacturing, the capital invested into agriculture continued to reside within that society and was therefore likely to withstand social and political upheaval far better than the wealth that arose from commerce. WN III.iv.24.

³³ WN II.v.12. Elsewhere, Smith argued that the proportion of improved and cultivated land in a given territory was a far more meaningful and accurate indication of the true wealth of that nation than its gold or silver reserves. Indeed, the amount of improved land could be taken as an almost infallible indication of the nation's position in its development from 'barbarism' to 'civilisation'. WN I.xi.n.3.

The second aspect of Smith's thought raised by the aforementioned letter is his view of the nobility. Throughout Smith's work the nobility or 'great proprietors' are subjected to a sustained and damning critique. This ranges from their historical origins as perpetrators of a repressive feudal system, through to their contemporary position as a group obsessed with petty vanities, rendered indolent and ineffectual by wealth and luxury, and singularly unconcerned for the welfare of either their tenants or society as a whole.³⁴ As Smith memorably summed up, 'All for ourselves, and nothing for other people, seems, in every age of the world, to have been the vile maxim of the masters of mankind'.³⁵ Two aspects of this critique are particularly relevant in terms of the argument presented here. Firstly, the way in which the remnants of feudal institutions with which the nobility protected their position, what Smith termed 'barbarous institutions' such as primogeniture and entail, were hindering economic development by slowing down the improvement of agriculture. These perpetuities kept large estates intact meaning less land was available for those Smith believed made the best improvers – the owner-occupiers of small estates.³⁶ The second relevant aspect of Smith's critique is the way in which, as has been outlined in chapter 2 of this study, he was especially scathing of the deficiencies of the nobility's education.³⁷ Landowners in general, Smith argued, as their income derived from rent which cost them 'neither labour nor care' were often rendered ignorant by their lack of activity and thus 'incapable of that application of mind which is necessary in order to foresee and understand the consequences of any publick regulation'.³⁸ This critique of their education and abilities relates directly to the final point arising from Smith's letter: the relation between the 'interest' of the nobility and that of society as a whole.

According to Smith's analysis, the annual profit of land and labour – the wealth of the nation - could be divided into three parts: the rent of the land, the wages of labour, and the profits of stock. From these three categories were derived what Smith termed 'the three great,

³⁴ TMS I.iii.2.4-5; LJ(A) iv.164-6; WN III.iv.10.

³⁵ WN III.iv.10.

³⁶ LJ(A) i.166-7; LJ(B) 295; WN III.ii.7.; WN III.iv.19.

³⁷ See above pp. 69-70.

³⁸ WN I.xi.p.8.

original and consistent orders of every civilised society': those who live by rent, those who live by wages, and those who live by profit.³⁹ Smith argued that the interests of the first two groups - the landowners and the labourers - were virtually identical and 'strictly and inseparably connected with the general interest of society'.⁴⁰ This was because the increase in the overall wealth of nation would tend to result in the raising of both the wages paid to labourers and the rental value of land, both of which served the individual interests of each group.⁴¹ The interests of the third group, those who lived by profit, Smith argued, was often in some important respects different from, and at times directly opposed to, the general interest of society. While the interests of this group in widening their markets was usually beneficial to the nation at large, their other primary aim of narrowing the competition was always to the detriment of society as a whole.⁴² Thus, Smith argued that any proposed new 'law or regulation of commerce' that came from this group should always be considered cautiously and never accepted until having been fully examined 'not only with the most scrupulous, but with the most suspicious attention'.

It comes from an order of men, whose interest is never exactly the same with that of the publick, who have generally an interest to deceive and even to oppress the publick, and who accordingly have, upon many occasions, both deceived and oppressed it.⁴³

What is particularly relevant about Smith's account of these interests, is the conclusion he draws about the danger of the landed classes not realising the extent to which their own interests lie with that of society at large.

When the publick deliberates concerning any regulation of commerce or police, the proprietors of land can never mislead it, with view to promote the interest of their own particular order; at least, if they have any tolerable knowledge of that interest. They are, indeed, too often defective in this tolerable knowledge.⁴⁴

³⁹ WN I.xi.p.7

⁴⁰ WN I.xi.p.9

⁴¹ 'Every increase in the real wealth of the society, every increase in the quantity of useful labour employed within it, tends indirectly to raise the real rent of land. A certain proportion of this labour naturally goes to the land. A greater number of men and cattle are employed in its cultivation, the produce increases with the increase of the stock which is thus employed in raising it, and the rent increases with the produce.' WN I.xi.p.5.

⁴² WN I.xi.p.10.

⁴³ WN I.xi.p.10.

⁴⁴ WN I.xi.p.8.

The landed classes in general, and the nobility in particular, are by Smith's account in danger of being misled by the dealers in trade and manufacturers into believing that the public good is best served by catering to their, the dealers', interests. By failing to comprehend their own interests properly and how these interests coincide with those of society in general, they have allowed disastrous mercantile and monopolistic policies to prevail at the expense of the improvement of society at large.

Given Smith's stress on the importance of the landowning classes realising that their interests concur with society in general, and given his stress on the importance of agricultural improvement as a national economic goal, it is interesting to speculate the extent to which Smith might have instilled in his pupil the notion that both his and the nation's interests coincided in the improvement of his estates. Indeed, if we concur with N. T. Phillipson's definition of Smith and the other moral philosophers of the Scottish enlightenment as essentially 'practical moralists' - teachers who were deeply concerned with educating their pupils 'in their duties as men and as citizens of a modern commercial society',⁴⁵ it is intriguing to conjecture whether Smith's influence may have been a decisive factor in the duke's decision to turn his back on 'the vortex of politicks',⁴⁶ to concentrate upon his duties as an improving landowner. As mentioned at the outset of this section, despite the circumstantial evidence regarding Smith's practical involvement in the duke's affairs, the links between Smith's thought and the duke's practice must remain largely speculative. However, this is undeniably not the case with regard to the influence of another set of ideas regarding agricultural improvement over the development of the Buccleuch estates: those of William Keir of Milnholm.

⁴⁵ N. T. Phillipson, 'Adam Smith as civic moralist', in Hont and Ignatieff (eds.), *Wealth and Virtue*, p. 179.

⁴⁶ See above pp. 10, 81.

II. William Keir

William Keir's central role in the improvement of the Buccleuch estates has been outlined in the previous chapters of this thesis. From his appointment in 1772 until his retirement in 1810 Keir was responsible for the planning, implementation, and supervision of virtually all improvements carried out upon the duke's South Country estates. His zealous commitment to improvement is witnessed by almost forty years of unrelenting effort, often in the face of opposition from both tenants and members of the duke's establishment; a process which took its toll on him both physical and mentally.⁴⁷ Although Keir was undoubtedly a member of that 'small group of highly energetic, influential and knowledgeable surveyors and factors who actually carried through the great changes in rural social and economic structure in the later eighteenth century',⁴⁸ he was also in some important respects an innovator whose views were sometimes at odds with the what he regarded as the current orthodoxy of improvement.⁴⁹ As the previous chapters have shown, Keir's approach to improvement was often characterised by a highly analytical and theoretical approach, his single-minded commitment driven by a seemingly unshakeable belief in the efficacy of improvement, not only as an economic necessity, but, as a patriotic and even moral duty.⁵⁰ The aim of this section is to outline the ideological basis

⁴⁷ See above p. 110.

⁴⁸ Devine, *Transformation of Rural Scotland*, p. 93.

⁴⁹ In 1793, for example, he described how 'the undertakings I have been engaged in for some years past', (the report on the sheep farms) had led him 'perhaps to oppose his single opinion to that of the generality of the world around him'; N.A.S. GD 224/657/1/120-122, William Keir to the Duke of Buccleuch, 6 December 1793; and his opinion on the *Agricultural Survey of Selkirkshire*; 'Mr Johnstone does not seem to have been fully master of the subject upon which he had undertaken to write. I could not avoid making some few remarks upon it, on reading it over, & many more occurred'. N.A.S. GD 224/657/2/2 William Keir to Duke of Buccleuch, 25 January 1796. For his most outspoken attack on the 'Land Doctors', 'quacks', and lawyers who had currently 'insinuated' themselves into 'the principal management of almost every great estate in Scotland', see N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvement proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [September 1802].

⁵⁰ For example in December 1800 Keir stated, 'conceiving it to be highly necessary for the general interest and welfare of the state, and consequently of the happiness of every individual in it, that the natural productions of your estate should be increased by cultivation as much as possible, you find, that it will be proper for you to require from each of your tenants, that they shall within a limited time to . . . execute such improvements upon their respective farms, as shall be therein specified.' N.A.S. GD 224/657/2/67-79, William Keir to the Duke of Buccleuch, n.d. [but received at Dalkeith House 1 January 1801].

underlying Keir's vision of improvement pursued during his career. In particular, the relationship between Keir's ideas and those of the political economists of the Scottish Enlightenment, most notably Adam Smith, will be examined. It will be argued that although heavily influenced in terms of his analytic approach and outlook, Keir differed significantly from this approach in some crucial respects, and that this divergence reveals an important insight into the nature of improvement upon the Buccleuch estates.

Although Keir's ideas regarding the improvement of the estate developed over time, certain core beliefs can be identified as central to the vision of improvement he pursued throughout his career.⁵¹ For Keir, the fundamental goal of improvement was the increased agricultural productivity of the estate.⁵² While increased rental income was seen as one of the 'natural' outcomes of this process, it was not considered as either an immediate or primary goal: indeed, for a number of reasons that will be outlined below, the setting of a 'moderate' rent was seen by Keir as a crucial part of the improvement process.⁵³ The increased productivity that was envisaged as proceeding from improvement was presented as being beneficial not only for the landowner and the tenant, but also for the country in general; and Keir's plans were constantly

⁵¹ Keir's ideas are revealed from both his extensive correspondence, and, often more explicitly, in the numerous reports and memoranda he submitted to the duke during his career, which would often provide detailed theoretical justification to his proposals. Particularly significant in this respect are the writings surrounding the new arrangement of the sheep farms (c. 1790-1792), and his report on the improvement of the duke's Ettrick Forest estate. N.A.S. GD 224/590/1, Report concerning the improvements proposed to be made upon the Duke of Buccleuchs Estate in the County of Selkirk, William Keir, September 1802; N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvement proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [September 1802].

⁵² Keir described this as 'regular system of permanent improvement . . . from which alone, any permanent and progressive increase in the produce of the soil can be obtained.' N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvement proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [September 1802].

⁵³ See for example Keir's statement to the duke regarding the improvement of the Canonbie estate: 'The memorialist always understood from his Grace that he was not so desirous of increasing his rental by these new arrangements but rather wished to have the estate improved and signified that he meant to sett the farms at such a moderate rent as would enable the tenants to execute a proper plan of improvements. Thus as it perfectly corresponded to with the memor[iali]sts own private opinion he has always had in view.' N.A.S. GD 224/522/1/1, Memorial for His Grace the Duke of Buccleugh by William Keir relating to the improvements upon his Graces Estate under his management. 1776. See also, N.A.S. GD 224/459 pp. 224-6, Memorial respecting a new settlement with the tenants of part of his Grace the Duke of Buccleuchs farms, in the parish of Canonby, by Mr Keir, October 1795.

justified in terms of this threefold relationship.⁵⁴ Expressed in these terms, increased agricultural productivity through improvement was believed by Keir to be a patriotic activity, not only in the best interests of the landowner, but also 'the great national object',⁵⁵ and 'the best of all purposes to which wealth can be applied'.⁵⁶ The process of improvement was also conceived of as an ongoing one, with Keir's ultimate goal being what he variously described as 'a progressive system of improvements' or 'a regular system of permanent improvement'.⁵⁷ The notion that improvements should be 'permanent' was an important one for Keir, as it distinguished those improvements that tended towards the long-term and sustainable enhancement of productivity, from those improvements, which although perhaps profitable for the tenant in the short term would eventually leave the land in a worse condition.⁵⁸

Central to Keir's rationale to achieve these aims, was the creation of an institutional framework that would facilitate improvement. This can be seen as comprising of two parts. Firstly, the reorganisation of the estate to provide the material infrastructure conducive to improved agriculture. This included the rearrangement of farms and enclosure; the building of roads, houses, and steadings; the supply of materials of improvement; and the creation of new

⁵⁴ See for example N.A.S. GD 224/459, Abstracts of statements given in by tenants of the expence of improvements . . . By William Keir, January 1801. p. 269; N.A.S. GD 224/459 pp. 134-196, Report of the value of the Sheep Farms, William Keir A[pril?] 1791, pp. 135-137; N.A.S. GD 224/657/2/67-79, William Keir to the Duke of Buccleuch, n.d. [but received at Dalkeith House 1 January 1801]; N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvement proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [September 1802]; N.A.S. GD 224/657/2/84, 85, William Keir to Duke of Buccleuch, 24 January 1801; N.A.S. GD 224/659/5/103, William Keir to Adam Ogilvie, 25 March 1804.

⁵⁵ N.A.S. GD 224/590/1, Report concerning the improvements proposed to be made upon the Duke of Buccleuchs Estate in the County of Selkirk. Sepr. 1802. William Keir.

⁵⁶ N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvement proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [September 1802].

⁵⁷ *Ibid.*

⁵⁸ Writing in 1802, Keir noted how these 'temporary' improvements could be the result of tenantry whose long term future upon an estate was unsure. 'It surely cannot be reasonably expected that these men in such a precarious situation . . . should ever think of making any permanent improvements upon their farms. And in consequence . . . all the improvements which the generality of these men ever attempt to make upon their farms, are of a temporary nature only; and which alone are calculated to secure to themselves the greatest possible profit, during the term of the legal connexion which has been established between them and their master; and as such they may, be enabled to take again out of the land, before the expiry of that period. And at the end of this period the estate is generally left in a worse state, and consequently of less value, than it was before these temporary improvements were made upon it'. N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvements proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk, [September 1802].

market centres. Secondly, the creation of conditions that would motivate the tenants to carry out those improvements deemed necessary by the estate. One means of this was the use of the 'improving lease' which outlined the improvements that were required to be made, and was enforceable by law.⁵⁹ Equally importantly, however, was the setting of what Keir variously described as a 'moderate' or 'equitable' rent, an idea that, as has been described in chapter 5, reached its fullest expression in his 'Report on the value of the Sheep Farms' of 1791, where Keir attempted to find the 'most equitable and rational mode' of setting rent that would provide the greatest inducement for the tenant to improve.⁶⁰ It is to this motivational aspect of Keir's improvement policy, particularly as it is expressed in his 'Report', that this chapter will now turn.

As has been outlined earlier in this thesis, Keir's 'Report' was the culmination of over fifteen years of research and planning and which, to a large extent, remained the basis for improvement policy upon the upland estates for the remainder of the duke's administration. It can also be considered in some respects a summation of Keir's thinking on improvement up to this point. Given the earlier emphasis of this thesis, one of the most interesting aspects of Keir's 'Report' is the extent to which it draws on the analytical framework of economic theory as developed by the thinkers of the Scottish Enlightenment, most notably that of Adam Smith. Firstly on a methodological level, Keir's attempt to reduce the seemingly complex and subjective process of setting rent levels to a transparent 'system' or 'simple and easy rule' based upon a few 'clear principles' that would allow not only for an 'equalising' of rents throughout the whole estate, but would also react to market changes to maintain the relative equality of these rents, works by the same recognisable principles as employed by the Scottish political economists.⁶¹ This influence is also revealed in the use of a number of analytical concepts

⁵⁹ Keir argued that the improvement of the estate depended 'in a great measure' on the observance of the rules laid down in the leases. N.A.S. GD 224/522/1/2, Report concerning the Marle at Eckford, William Keir, November 1780.

⁶⁰ See above pp. 159-162.

⁶¹ For example, as R. H. Campbell and A. S. Skinner note, Smith's work on ethics, jurisprudence and economics all attempted to 'explain complex problems in terms of a small number of basic principles'. WN, 'Introduction', p. 4.

derived from Smith, which form the basis for Keir's analysis. For example, Keir's key distinction between the 'market' value and the 'real' value of farms⁶² seems to be directly informed by Smith's distinction between the 'real' and 'nominal' price of commodities and labour,⁶³ and the 'natural' and 'market' price of commodities.⁶⁴ Similarly, Keir's assertion that the relationship between the 'market' value and 'real' value of a farm ultimately derives upon the general rate of interest available on the comparable investment of stock elsewhere suggests a debt to Smith's own analysis of the basis of the market value for land.⁶⁵

Of even more significance in respect to Keir's overall system, however, is the central role that the concepts of 'motivation' and 'interest' play within his analysis. Central to the economic analysis of the Scottish Enlightenment political economists was the way in which an understanding of human nature, particularly in terms of its motivations, could be used to both understand how economic systems worked, and how, by taking these motivations into account, these systems could be made to function more efficiently.⁶⁶ And most important in this respect, was the notion of self-interest as the primary motivational force.⁶⁷ The influence of this line of thought is clearly evident in Keir's attempts to create a system which allows a level of rent to be

⁶² N.A.S. GD 224/459, Report of the value of the Sheep Farms, William Keir A[pril?] 1791, p. 137.

⁶³ WN I.v.9.

⁶⁴ WN I.vii.

⁶⁵ Smith argues that it is the rate of interest currently available that ultimately determines the market price for land – that is that the price of land cannot be sustained if the level of return on the stock invested is less than that available by investing the stock elsewhere. WN II.iv.17. It is by the same principle that Keir argues that if the annual produce of the farm is not sufficient to afford 'a reasonable profit upon the stock' employed in the cultivation of it equivalent to 'the profit that might arise from such a stock employed in any other business of equal risk' then the farm has been purchased above its 'real' value. N.A.S. GD 224/459, Report of the value of the Sheep Farms, William Keir A[pril?] 1791, p. 137.

⁶⁶ Sheila C. Dow, 'The Scottish Political Economy Tradition', in Douglas Mair (ed.), *The Scottish Contribution to Modern Economic Thought* (Aberdeen, 1990), p. 27.

⁶⁷ For example Sir James Steuart writing in his *An Inquiry into the Principles of Political Oeconomy* (1767) noted that 'The principle of self-interest will serve as a general key to this inquiry; and it may, in one sense, be considered as the ruling principle of my subject . . . This is the main spring, and only motive which a statesman should make use of, to engage a free people to concur in the plans which he lays down for their government.' Quoted in Alexander Broadie (ed.), *The Scottish Enlightenment: An Anthology* (Edinburgh, 1997) p. 399; See also Smith's famous assertion; 'It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest.' WN. I.ii.2.

set that optimises the motivation of the tenant and thus releases the maximum benefit in terms of productive labour for both the proprietor and the country in general.⁶⁸

Keir's understanding of self-interest as a force to be harnessed for purposes of improvement, and particularly, the concept of the convergence of private and public interests is further revealed in his discussion regarding how to find the most beneficial routes for new roads.⁶⁹ Keir began by arguing that there was an important distinction to be made between the long distance or 'great' roads, whose main role was to transport agricultural and manufactured produce from one part of the country to another, and the roads made in any particular district whose primary function, according to Keir, was to 'facillitate the improvement of the land'. In the first case, the interests of landowners were not always the same as those for the 'general advantage of the Kingdom', as the path of the road had to be determined by the shortest and easiest route between two points rather than by the particular needs of any one proprietor. In the second case, however, Keir argued that the interests of the nation were best served by following the particular interests of the proprietors and allowing them to decide the exact route of such roads to suit their purposes. This was because they were much better placed to position such roads in a way that facilitated the maximum improvement of their particular estate, which Keir argued was undoubtedly 'the great national object' of the exercise. As he summarised:

In the one case the trustees [for building the roads] are frequently called upon to sacrifice the private interest of individuals in order to promote the general interest of the nation. In the other case they will always most effectually promote the great national interest, by a scrupulous attention to the particular interest of every individual who possesses land in the district.'⁷⁰

⁶⁸ As Keir summarises the effects of an ill-set rent: 'by depriving his tenants of the hopes of bettering their situation in life, he deprives them of one of the strongest motives to industry and exertion; and the Country is also derived of the benefit of that part of their labour which they would otherwise have bestowed upon the cultivation and improvement of their farms.' N.A.S. GD 224/459, Report of the value of the Sheep Farms, William Keir A[pril?] 1791, p. 137. Keir notes in his analysis the way in which a tenant's motivation to industry requires not just pecuniary gain, but must to some degree be 'necessary for their comfortable subsistence.' *Ibid.*, p. 138.

⁶⁹ N.A.S. GD 224/590/1, Report concerning the improvements proposed to be made upon the Duke of Buccleuchs Estate in the County of Selkirk. Sepr. 1802. William Keir.

⁷⁰ *Ibid.* See also the second part of this report where Keir argued that it was in the landowner's 'own particular interest' to allow their tenants to become wealthier, because 'by this manner he will be enabled to carry them on in the execution of a progressive system of improvements upon their farms, and thereby not only obtain a progressive increase to his own revenues, but also a progressive increase of the general stock of wealth in the Kingdom.' N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting

In addition to several other specific examples of Smith's influence within Keir's writings,⁷¹ there is also a broader systemic comparison that is perhaps also worth examining: that of considering Keir's approach to the improvement of an 'estate' in comparison with Smith's analysis of the improvement of a nation. The potential wealth of a nation, Smith argued, was dependent both upon its natural resources – 'the nature of its soil, climate and situation' - and the constitution of its 'laws and institutions' (that could function either to encourage or impede its development).⁷² For Keir then, the potential wealth (or productivity) of any given farm likewise depended upon 'natural causes' (the quality of soil, its situation, relative climate, and the quality of the tenant)⁷³ and also its regulatory structure (the 'laws and institutions' of the estate). It was this regulatory structure (in the form of leasing policy and rent levels) that was crucial to Keir's vision of improvement and that could, if properly constituted, harness the self-interest of the tenant for the greater benefit of the estate and the country.⁷⁴ The influence of Smithian ideas on such an overtly interventionist improvement strategy as that carried out by Keir may seem to be at odds with the *laissez faire* economics that have become most closely associated with Smith's economic thought.⁷⁵ However, as A. Skinner has emphasised, intervention was an integral part of Smith's economic system in a number of key areas where either the profit motive was not sufficient to achieve certain public goods, or where the imperfect knowledge of individuals meant that they were not sufficiently aware of their own self-interest to act accordingly.⁷⁶ And it

the improvement proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [September 1802].

⁷¹ See for example, Keir's analysis that the increase in rent derived from improvements should be considered as interest upon the capital sum invested in making the improvements (see below p. 135). For Smith's view on the same see, WN I.xi.a.2. Keir's analysis of the grain shortages around the turn of the century also reveal a strong Smithian influence regarding not only government interference, but specifically the way in which the 'mercantile interest' has come to 'dominate national policy'. N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvement proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [September 1802]. For Smith's views on the same see, WN I.xi.p.10.

⁷² WN I.ix.15.

⁷³ For Keir's use of these categories to explain the different productivity of farms see, N.A.S. GD 224/459, Report of the value of the Sheep Farms, William Keir A[pril?] 1791, p. 143.

⁷⁴ WN I.ix.15.

⁷⁵ See for example Michael Lynch, *Scotland A New History* (London, 1991), p. 353.

⁷⁶ For a concise summation of this view, see A. S. Skinner, 'Adam Smith' in Michael Lynch (eds.), *The Oxford Companion to Scottish History*, (Oxford, 2001) p. 191.

was in the terms of the latter justification that Keir explicitly berated the duke's tenants for being so 'blind' to their own self-interest,⁷⁷ and why the correct institutional framework was required to compensate for this.

In a number of important respects, Keir's thinking on improvement can be seen as consistent with much of the general Scottish Enlightenment discourse on economic improvement, and in particular can be seen in several significant respects to have been strongly influenced by the writings of Adam Smith.⁷⁸ Indeed, it can be argued that Keir's 1791 'Report on the Sheep farms' can be seen as a conscious attempt to apply the principles of political economy to the running of a great estate. However, the extent of the influence of Smith's ideas must be in some important respects qualified. It can be argued that Keir's 'Report' and his later writings on improvement also reveal what he saw as the limits of these ideas when applied to a relationship (that between landlord and tenant) that, in his opinion, could not be reduced to a purely commercial or legal basis. The central example of this is Keir's developing approach to the problem of motivating tenants to improve. This becomes particularly apparent if the initial aims of Keir's sheep farm reforms are again examined. As Keir stated explicitly on several occasions, the purpose of his report in its assessment of the 'real' and relative value of the sheep

⁷⁷ See for example Keir on tenants being 'so exceedingly blind to [their] real interest' by wintering black cattle on their farms to the detriment of their other livestock. N.A.S. GD 224/459, Report of the value of the Sheep Farms, William Keir A[pril?] 1791, p. 146. On how the 'notions of self-interest' of the tenant could be detrimental to the estate through what Keir saw as their lack of knowledge (by exhausting the land by the over use of manure) see, N.A.S. GD 224/522/1/2, Report concerning the Marle at Eckford, William Keir, November 1780. The use of the mechanisms of rental policy to make the tenants' self-interest more apparent was also explicit in William Kier Jr.'s approach: 'By making some distinctions of this kind [between those who have and have not improved their farms], the tenants will see, that, his Grace does not wish to reap the benefit of their improvements, until they themselves are fully repaid; and it will convince those who are blind to their own interest, that their conduct does not pass unnoticed, and if they do not bestow some pains on improving their farms, they must be content with smaller profits.' N.A.S. GD 224/522/3/64, Report on the value of the Sheep farms belonging to His Grace the Duke of Buccleuch in the County of Dumfries. [William Keir Jr.] 1810.

⁷⁸ It must be stressed that there is no suggestion here that Smith was in any way involved in any of Keir's reforms. Although Smith was familiar with a number of members of the duke's establishment, there is no indication that Keir and Smith ever met, nor do we have any evidence that Smith was consulted on any of Keir's schemes – particularly as the 'Report on the Sheep Farms' was not given to the duke until 1791, the year after Smith's death. However evidence suggests that Keir may have had access to the duke's substantial library at Langholm Lodge, which contained a number of Smith's works including the *Wealth of Nations*. N.A.S. GD 224/657/1/116, William Keir to Duke of Buccleuch, 30 November 1793; N.A.S. GD 224/962/21/1, Inventory of Household Furniture at Langholm Lodge, May 1812. Smith was a friend of the duke's cashier, John Davidson, and is recorded as dining with Davidson, Adam Ogilvie and the duke at Dalkeith on 5 March 1789. N.A.S. GD 224/1085/1, Dalkeith Day Book 1775-1798.

farms was not to enable the duke to charge the highest possible rent, but rather to use the report as a basis to set what he termed a 'moderate rent'. And although this setting of a 'moderate' rent was in part (as has been discussed above) an attempt to find the optimum level of rent to encourage the tenants to improve, there was a second 'motivational' aspect to his analysis. This second aspect (and the one that would increasingly come to dominate Keir's thinking in later years) was that by charging what would be a demonstrably moderate rent, the tenants would be made aware that their rent had been set at such a rate because of the duke's 'liberal sentiments' towards them, and not through any ignorance on the part of the estate regarding the 'real' value of their farms. Thus, aware of their debt to their paternalistic landlord and, Keir argued, suitably grateful to him, the duke would maintain a much higher level of control and influence over the behaviour of his tenants than was attainable through a strictly economic or legally defined relationship. As had been outlined above, the charging of a moderate rent had been a key part of Keir's strategy from the outset of his tenure: the 'Report' of 1791 was conceived as a means of making the tenantry fully aware of this. As Keir noted to the duke in 1790:

No man feels more pleasure than I do in the contemplation of your Graces indulgence to your tenants; but I must own, I would be glad to see the tenants made sensible, that they owe every indulgence of this kind to your Graces goodness, and not to the want of knowledge of the value of the farms.⁷⁹

It was from the same reasoning that Keir stressed on a number of occasions the absolute necessity that new tenants were to be made aware that they had been granted farms by the duke's direct and personal favour and not through the interest of anyone else. Writing in September 1799, for example, Keir noted to the duke 'I knew that it would have a tendency to destroy, or at least weaken, that influence which your situation ought to give you over the minds of those people who are dependant upon you, were I to pretend to have any influence with your Grace in the disposal of your farms'.⁸⁰ And it was this 'influence' over the behaviour of the tenants by drawing on what Keir referred to as the 'natural connection' between the duke and his

⁷⁹ N.A.S. GD 224/657/1/77, William Keir to Duke of Buccleuch, 26 February 1790.

⁸⁰ N.A.S. GD 224/657/2/59, William Keir to Duke of Buccleuch, 27 September 1799. See also *ibid.*, 55, 56, William Keir to Duke of Buccleuch, 19 April 1800; *ibid.*, 99-104, William Keir to Duke of Buccleuch, 20 May 1801.

dependants that would come to dominate Keir's thinking on improvement during the final fifteen years of his tenure.

The clearest expression of this came in Keir's developing ideas regarding letting policy. As has been noted earlier in this thesis, from early in his career Keir had expressed doubts regarding the effectiveness of long leases with regard to motivating the tenants to improve.⁸¹ As argued in chapter 5 of this thesis, Keir seems to have been the most likely influence in setting shorter leases on the sheep farms at the set of 1792.⁸² A key indication of the direction of Keir's developing approach to leasing came in 1795 when the farms of the Canonbie estate came to be re-set. At this point Keir informed the duke that due to a number of poor seasons leading up to 1794 these tenants had suffered greatly and had been unable to lay out the sums needed to complete the enclosing of their farms. Keir noted that the duke had already 'signified his opinion' that it would be 'more advisable to sacrifice the advance of rent that might be gained at present upon these farms for a few years, in order to get the improvements completed, than run the risk by taking the advance, of disabling the tenants in some degree from doing it'. Keir submitted that, this being the case,

would it not in that view be most proper to give no leases at all at this time, but rather authorize the memorialist to signify to these tenants that they will be allowed to continue in their farms for perhaps three or at most four years longer at the present rent, but that it is expected they are in that time to complete the enclosing of their farms and renew such of the fences as have been already planted, that appear to be necessary, and if they execute these improvements within the time limited, his Grace will then make them an offer of new leases upon moderate terms.⁸³

The duke agreed, and the tenants were continued for four years under the conditions that Keir had suggested.⁸⁴ By the end of 1800 Keir had moved towards an even more radical position in

⁸¹ 'I have often observed and I believe it is pretty generally the case that a tenant who had a long tack of 2 or three 19 years never carries on his improvements so rapidly as others that have shorter'. N.A.S. GD 224/657/1/7, William Keir to Duke of Buccleuch, 7 May 1773. Keir proposed to have the rent increase during the lease: e.g. £6 for the first 7 years, £10 for the second 7, and £16 for the final 7. In the event, the Canonbie tenants only wished to take their farms for 7 years at the initial, low rate. *Ibid.*, 9, William Keir to Duke of Buccleuch, 21 June 1773.

⁸² See above p. 174 n. 94.

⁸³ N.A.S. GD 224/459 pp. 224-6, Memorial respecting a new settlement with the tenants of part of his Grace the Duke of Buccleuchs farms, in the parish of Canonby, by Mr Keir, October 1795.

⁸⁴ N.A.S. GD 224/459 pp. 227-8, Memorandum for Mr Keir, respecting the farms of Canonby out of lease at Martinmas 1794-5, Dalkeith House 11 November 1795.

his policy that would later be described by Adam Ogilvie as his 'system of benevolence'.⁸⁵

Writing to the duke, Keir argued that

After bestowing much thought upon the subject for many years, I flatter myself, that I shall now find little difficulty in convincing your Grace that it is not proper for your to grant any leases at all: and that whenever leases are granted, they must unquestionably have the effect to deprive the landlord, of that influence which he ought always to maintain over the conduct of every person who lives upon his estate.⁸⁶

A fundamental motive of maintaining this 'natural influence' over the conduct of tenants was to ensure that the improvements that each tenant was instructed to carry out were completed. By 1801 Keir was arguing that the only way to ensure these improvements were completed was by 'keeping the tenants dependent under the dread of displeasure should they decline complying with the conditions for improvement of their farm'.⁸⁷

Although written leases were still the dominant form of land setting in Scotland, by 1800 they had started to be phased out elsewhere in Britain, and replaced by annual tenancies.⁸⁸ However, what sets Keir's policy apart is the fact that, for Keir, the duke's 'natural influence' over the 'minds and conduct'⁸⁹ of his tenants and their dependants was not to be limited to matters of improvement and land management. For the general well being of society and the upholding of what he regarded as the 'natural' order, Keir argued that the duke must also maintain control over the social and moral behaviour of his tenants. Keir argued the duke should issue a general declaration to the tenants and 'every other individual that may be living upon your estate', assuring them that:

so long as they shall continue to regulate their conduct by the law of nature, which is no other but the revealed law of God: to be sober, peacable, and industrious, and faithfull and honest in all their dealings with one another; and to behave in every other respect like virtuous, orderly, dutyfull, and peacable subjects; and obey such other rules and

⁸⁵ N.A.S. GD 224/659/5/17, Adam Ogilvie to Duke of Buccleuch, 3 May 1801.

⁸⁶ N.A.S. GD 224/657/2/67-79, William Keir to Duke of Buccleuch, [received at Dalkeith House 1 January 1801].

⁸⁷ N.A.S. GD 224/459, Abstracts of statements given in by tenants of the expence of improvements . . . By William Keir, January 1801. p. 269.

⁸⁸ In Norfolk, for example, leases had been falling out of favour from the early 1780s and this trend had become widespread in English agriculture by 1800. Beckett, 'Landownership and Estate Management', pp. 612 – 613; for the contrasting situation in Scotland see, Devine, *Transformation of Rural Scotland*, pp. 60-61.

⁸⁹ N.A.S. GD 224/459, Abstracts of statements given in by tenants of the expence of improvements . . . By William Keir, January 1801. p. 269.

regulations as may at any time appear to you to be necessary for the general interest, and happyness of the country, to require them to observe; that they shall never be by you disturbed in the quiet and peacable possession of their respective farms.⁹⁰

By this plan, those that did not conform to these strictures regarding 'the regulation of their conduct, and the general improvement of the estate' were to be immediately expelled from their farms. And in an extension of the policy already in place regarding the behaviour of cottars in Canonbie discussed in the previous chapter, any person being found 'habitually guilty of intemperance, or other immoral and disorderly conduct' should also be expelled from the estate.⁹¹

According to Keir, the traditional connection between landowner and tenant was being replaced by an essentially legal and commercial relationship; one in which the landowner's main concern was to 'make all the profit which they possibly can' from their estates, and where the tenant's only obligations to the landowner were those set out in their legally binding lease.⁹² Furthermore, this drive to extract maximum profit from the land was increasingly leading to farms being set on the open market to the highest bidder, a process that Keir argued led directly to a breakdown in the landlord's ability to influence the 'conduct' of his tenants.⁹³ In particular, he blamed the public advertising of these farms as undermining what he described as 'the natural bond of union' that had characterised the relationship between proprietor and tenant for generations: a criticism that is particularly resonant for the Buccleuch estates given the duke's own initial improvement plans:

⁹⁰ N.A.S. GD 224/657/2/67-79, William Keir to Duke of Buccleuch, [received at Dalkeith House 1 January 1801].

⁹¹ *Ibid.* See also N.A.S. GD 224/657/2/84, 85, William Keir to Duke of Buccleuch, 24 January 1801.

⁹² N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvement proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [September 1802].

⁹³ N.A.S. GD 224/657/2/84, 85, William Keir to Duke of Buccleuch, 24 January 1801.

By these advertisements which they [the advisers of the landowner] publish in the name of the proprietor soliciting people from distant parts of the country, to come forward and make offers for any farms which are then out of lease, or soon expected to be so, they certainly make him declare to all the world, that he has now no regard whatever for the comfort and happiness of the old tenants upon his own estate, (who have perhaps lived under himself and his predecessors, generation after generation, for many ages past,) and that he cares not how soon this ancient and natural connexion between his own family and there is dissolved.⁹⁴

The ultimate consequence of this process, Keir argued, was the destruction of that 'confidence and influence which [the duke] ought always to possess in the minds of his tenants' and that Keir believed was 'absolutely ne[cessary] for the peace and proper government of the country'.⁹⁵

Despite the widely held belief that long leases would create the necessary security for tenants to improve their lands, Keir argued that as a system that favoured the highest bidder meant that there could be no real long term security for tenants (and who would subsequently implement short term improvements to the detriment of the estate and country), his system where no leases were given but a general assurance of continuation dependent on carrying out improvements and showing good conduct, would give them, in his opinion, genuine long term security and the incentive to improve.⁹⁶

Although Adam Ogilvie complained to the duke that Keir was 'pursuing his own notions systematically' and attempting to implement his 'benevolent' leasing system at the reset of the Wilton estate in May 1801,⁹⁷ the scheme was seemingly never put into widespread practice upon the estate.⁹⁸ It can be argued, however, that the fact that Keir's vision of improvement

⁹⁴ N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvement proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [September 1802].

⁹⁵ N.A.S. GD 224/659/5/103, William Keir to Adam Ogilvie, 25 March 1804.

⁹⁶ N.A.S. GD 224/657/2/84, 85, William Keir to Duke of Buccleuch, 24 January 1801; N.A.S. GD 224/590/2, Continuation of William Keir's report, respecting the improvement proposed to be made upon his Grace the Duke of Buccleuch's estate, in the county of Selkirk [September 1802].

⁹⁷ On 3 May 1801 Ogilvie noted to the duke that the delay in settling the Wilton farms seemed to have been from the 'system' that Keir had described to the duke, 'viz. that your tenants should be kept entirely dependent upon you, & whatever you do, they are to consider as the act of your benevolence'. He added 'I believe, that your Grace never intends any thing that is not kind to them; but if this system of benevolence is to be adopted, I fear, that your Grace must not trust the exercise of it to delegation, in any instance.' Three days later Ogilvie noted that he believed that Keir was 'pursuing his own notions systematically, and that he will draw your Grace to adopt and sanction them, as often as an opportunity occurs.' N.A.S. GD 224/659/5/17, Adam Ogilvie to Duke of Buccleuch, 3 May 1801; *ibid.*, 18, 19, Adam Ogilvie to Duke of Buccleuch, 6 May 1801.

⁹⁸ The upland estates were reset in 1802 for between nine and twelve years. See above pp. 178. Annual tenancies were, however, in place on a number of farms on the Canonbie estates at the end of the duke's

culminated in his 'benevolent' leasing system remains significant in a number of respects.

Firstly, it reveals in at least one crucial respect the way in which Keir's thinking diverged from the approach of the Scottish Enlightenment political economists that had characterised so much of his earlier analysis. Whereas Adam Smith had argued that it was in the best interest of the nation that 'lands should be as much in commerce as any other goods',⁹⁹ Keir stressed explicitly that farms could not be considered as just another set of 'goods' to be sold on the market to the highest bidder,¹⁰⁰ and that the relationship between the duke and his tenants could not be reduced to a purely economic one. Secondly, Keir's increasing concern with the maintenance, and even extension of the duke's control over the conduct of those living upon his estates can be seen as evidence not only of his frustration at the pace of improvement upon the estate and the inadequacies he perceived in the current system regarding its ability to motivate (or even compel) the tenants to improve; but also as an expression of his growing perception of the breakdown of the 'natural bond' between tenant and landlord that Keir believed was essential to the survival of social order. As such, it is evidence of the extent to which, by the latter part of the duke's administration, extra-economic concerns had come to play a leading role in the development of estate policy, and, from William Keir's perspective, improvement strategy had become inextricably linked to issues of social control and paternalistic influence.

administration in 1812. N.A.S. GD 224/527/2, Accompt of Charge and Discharge betwixt His Grace the Duke of Buccleuch and Queensberry and Charles Riddell of Muselce, Crops 1810, 1811 & 1812.

⁹⁹ LJ(A) i.166.

¹⁰⁰ 'When a landlord brings his farms into the market like so many sales of goods, and sets them at the very highest rent that can be obtained, he declares to all the world that he had no regard for his old tenants, & they of course owe him no gratitude: and it is not natural to suppose, that the landlord can after such behaviour retain any influence over their conduct.' N.A.S. GD 224/657/2/84, 85, William Keir to Duke of Buccleuch, 24 January 1801.

III. Improvement and the third Duke of Buccleuch

As the preceding chapters of this thesis have intimated, from the outset of his personal administration until his death in 1812 the third Duke of Buccleuch remained actively committed to the improvement of his Scottish estates. On his arrival in Scotland in 1767 the duke immediately set about a number of key reforms to the administration of his estates, all of which had as their primary aim the improvement of the estate. In doing so, his enthusiasm, abilities, (and at times impatience) were remarked upon by contemporaries,¹⁰¹ and his approach wholly consistent with his own later assessment of his manner of conducting his affairs: 'Whatever I undertake I like to execute with spirit and activity'.¹⁰² The extent of his personal involvement in the management of his estates was noted from the outset by his chamberlain, who noted four months after the duke's first visit: 'the communication of your Grace's intention of being soon in this country is a circumstance most agreeable to me as I see I must frequently have recourse to your Grace for advice in many particulars'.¹⁰³ Evidence also suggests that throughout his career the duke retained a keen personal interest in the technical aspects of agricultural improvement. He was responsible for introducing a number of improved breeds of animals to various parts of his estate,¹⁰⁴ introduced turnips to his home farm at Langholm,¹⁰⁵ and was personally responsible for the introduction of water meadow cultivation to his South Country estates.¹⁰⁶ The duke also

¹⁰¹ See above pp. 80, 87, 189. A. Wright noted in his *Present State of Husbandry in Scotland* (1778) 'in every corner of this county [Selkirkshire] a traveller meets with illustrious marks of this young nobleman's zeal for improvements.' Quoted in Craig-Brown, *History of Selkirkshire*, ii, 240.

¹⁰² The duke was commenting here upon his approach to the raising of his Fencible regiment. N.A.S. GD 224/31/1/4, Duke of Buccleuch to John Davidson, 20 April 1778.

¹⁰³ N.A.S. GD 224/91/2 p. 8, William Ogilvie to Duke of Buccleuch, March 1768.

¹⁰⁴ In April 1773 the duke sent a horse to be used by his tenants in Eskdale to improve the breed, followed over the next few years by sheep, bulls and cows. N.A.S. GD 224/657/5, William Keir to Duke of Buccleuch, 4 April 1773; *ibid.*, 13, William Keir to Duke of Buccleuch, 6 July 1773; *ibid.*, 21, William Keir to Duke of Buccleuch, 3 September 1774; *ibid.*, 25, William Keir to Duke of Buccleuch, 30 November 1774; *ibid.*, 82, William Keir to Duke of Buccleuch, 17 November 1791.

¹⁰⁵ N.A.S. GD 224/657/1/19, William Keir to Duke of Buccleuch, 21 April 1774.

¹⁰⁶ N.A.S. GD 224/657/2/19, 20, Duke of Buccleuch to William Keir, 13 May 1797.

collected books on agriculture,¹⁰⁷ and gave patronage and practical support to innovative improvers such as the Church family¹⁰⁸ and the plough-wright James Small.¹⁰⁹ He was also a particularly enthusiastic planter, who imported species from America,¹¹⁰ brought in management personnel and techniques from his English properties,¹¹¹ and whose aesthetic considerations in planting became an integral part of the estate's land management policy.¹¹²

A further indication of the duke's overall attitude towards improvement comes through his relationship with William Keir. Although, as has been noted above, in the late 1770s the duke reined in Keir's improvement expenditure, and not all of his schemes for the improvement of the estate were put into practice, on the whole the duke gave Keir considerable backing throughout his career. As has been noted above, from the outset Keir was given a wide-ranging remit and a considerable degree of independence, which saw him answerable only to the duke. Keir corresponded directly to the duke and kept him informed in great detail of the development and implementation of improvement policy, both through this correspondence and their personal meetings.¹¹³ The duke's own input into the direction of estate strategy is also shown in his personal interventions, such as his stipulations during the rearrangement of the farms of

¹⁰⁷ For example, in 1776 the duke commissioned William Robertson to procure a number of Spanish books on agriculture from Madrid. N.A.S. GD 224/269/7, Vouchers for John Davidson's accounts for 13 September 1776 to 13 September 1777; N.A.S. GD 224/30/14/10/21, 'A list of Old Books on Agriculture'

¹⁰⁸ N.A.S. GD 224/657/1/109, William Keir to Duke of Buccleuch, 8 February 1793.

¹⁰⁹ The duke sent one of Small's ploughs to the Agriculture Society at Bath which led to several orders. Small later thanked the duke for the 'many favours and countenances hitherto shoven me in many respects.' N.A.S. GD 224/30/12/7, 8, William Matthews to Duke of Buccleuch, 16 August 1787; *ibid.*, James Small to Duke of Buccleuch, 22 October 1787.

¹¹⁰ The duke imported plants from South Carolina through John Hope, Professor of Materia Medica at the University of Edinburgh. N.A.S. GD 224/269/4, John Davidson's accounts and vouchers for 13th September 1773 to 13th September 1774.

¹¹¹ When in 1792 the duke decided to relieve Keir of his forestry management role, he brought in a woodsman from his Northampton estate, noting 'it has often occurred to me that a proper person could be found there . . . I am sure no such person could be found in Scotland.' N.A.S. GD 224/655/2/101, Duke of Buccleuch to William Keir, 9 May 1792.

¹¹² N.A.S. GD 224/657/1/11, William Keir to Duke of Buccleuch, 19 October 1773; N.A.S. GD 224/655/2/2, Duke of Buccleuch to William Keir, 3 January 1776; *ibid.*, 34, Duke of Buccleuch to William Keir, 12 August 1782; N.A.S. GD 224/657/1/53, William Keir to Duke of Buccleuch, 21 August 1782.

¹¹³ From the late 1780s the duke increasingly spent several months of the summer at his residence of Langholm Lodge a few miles from Keir's own farm of Milnholm, and correspondence suggests that much of the detailed business regarding improvement policy was discussed between the two men during the duke's stays. See for example, N.A.S. GD 224/655/2/79, Duke of Buccleuch to William Keir, 12 May 1791.

Canonbie and Eckford that all those living upon these estates would be accommodated in the new settlement, and in his decision to implement Keir's 'Report on the sheep farms' in the face of hostility from other members of his establishment. The duke's overall empathy towards Keir's vision of improvement is acknowledged implicitly in his on going support and backing for Keir and his schemes, while their shared aims in the process were noted on a number of occasions by Keir.¹¹⁴ Furthermore, the duke's appointment of Keir's son to replace him in 1810, who, as has been discussed in chapter 5, continued his father's approach, also suggests a continuation of this shared outlook. As the intended audience for his reports and schemes, Keir's writings on improvement were aimed specifically to persuade the duke of their value and probity. In this respect, his frequent recourse to patriotic motives to justify his plans must have appeared to Keir as a successful method of persuading the duke. That the duke saw improvement as a patriotic duty is indeed consistent with the other aspects of his public life, as witnessed in his unfaltering support of the Dundas/Pitt regime, his military career, and his pronouncements on duty and probity in public life.¹¹⁵ Similarly, it can be argued that Keir's use of analytical methodology and reasoning partially derived from Smith's political economy could be viewed as evidence that Keir believed that the duke would be particularly receptive to their arguments.

Although, unlike Keir, the duke left little in the way of personal statements regarding his outlook on improvement, one telling statement remains from the latter stages of his administration which is revealing both in its attitude towards improvement and its concerns regarding social stability. In late 1808 George Maxwell of Broomholm, landowner, neighbour, and tenant to the duke in Langholm, had asked the duke's approval for his plans to erect a manufactory upon his (Maxwell's) estate. Having been made aware that the duke did not favour

¹¹⁴ See above pp. 121, 240.

¹¹⁵ Writing in 1778 on the lack of patriotism amongst his Scottish friends the duke wrote, 'I pray to God that the French, Spanish and all the enemies of this Country would land at Leith and plunder all the houses and estates of such low spirited, degenerate fellows, as you and a few more of my friends I mean croaking friends in Scotland. I am so angry that I can write no more at present.' In June 1797 Buccleuch wrote to Dundas stating that he would rather contribute 9/10ths of his income than see Britain submit to 'disgraceful conditions of peace'. According to Dundas, this was the inspiration behind the voluntary contribution scheme later implemented by Pitt's government. N.A.S. GD 224/918/5/4, Duke of Buccleuch to [?], 17 April 1778; N.A.S. GD 224/30/3/17, 18, Henry Dundas to Duke of Buccleuch, 19 June 1797; Brown, Henry Dundas, p. 228. See note 9. above for the duke's professed attitude to patronage.

the scheme, Maxwell ventured that the duke had perhaps 'been somehow led to entertain an erroneous opinion respecting the establishment of manufactures'. He continued, 'May I be permitted to ask of what value would the landed property of the Kingdom be if the manufacture of its produce was not encouraged'.¹¹⁶ The duke replied through his secretary that the manufactories that had been established at Langholm had not only failed to raise the value of his lands there in any degree, but that the 'evils attended upon them' had been 'prejudicial to his property, and his residence there rendered very disagreeable if not disgusting in many respects'.

He continued

With regard to manufactories in general, he is likewise of the opinion that they have been pushed too far in Great Britain, and beyond the means of being supplied with food, even in abundant years of harvest; they have increased more rapidly than the improvement of land, and withdrawn a great deal of the capital which ought to have been employed in the cultivation of the waste ground of the Kingdom; the least advance of the price of the necessities of life, is sure to create riot and disorder thereby to force the employer in to an advance [of] their wages, which when complied with is always followed by less work being done, and thus more opportunity is held out for idleness & dissipation.¹¹⁷

On one level the duke's statement can be seen as evidence of his disillusionment with the consequences of the improvements he himself had helped to instigate with the building of New Langholm and the encouragement of its industry. However his opinions here also reveal a view of economic priorities completely in line with Adam Smith's own, who had argued that as long as land capable of improvement exists, the nation's interests would be best served by investing in its improvement.¹¹⁸ Moreover, in explicitly linking the failure to improve with the inability to feed the manufacturing districts of the country and the subsequent 'riot and disorder' that he argues must follow, the duke draws attention to the extent to which his own 'ideology of improvement' was deeply concerned with socio-political as well as economic outcomes.

¹¹⁶ N.A.S. GD 224/522/3/89/1, George Maxwell of Broomholm to William Cuthill, 22 November 1808.

¹¹⁷ N.A.S. GD 224/522/3/90, William Cuthill to George Maxwell of Broomhill, 4 January 1809. For the duke's displeasure at the development of industry near his other residence of Dalkeith House, see N.A.S. GD 224/584/8, Misc letters regarding the nuisance of a black ash manufactory, 1798-1804.

¹¹⁸ See above p. 227.

The management of the Buccleuch estates under the third duke, this thesis has argued, is an important example of 'improvement from above': one in which the interventionist role of the estate was central to the transformation of agrarian organisation and practice. Whereas it has been argued that for the Scottish landowning classes in general, 'the commitment to improvement was based on the expectation of hugely increased profits from their lands which would cover the cost of their investment in a relatively short time',¹¹⁹ this does not seem to have been the case upon the Buccleuch estates. This is not to say that the improvement of the estate was not conceived of as being an ultimately profitable venture or that improvements were not implemented with the long-term aim of increasing the value of the estate: the passing on of the estate to the next generation, intact and in a better situation than before, remained one of the central goals in the management of any aristocratic estate. And certainly by the end of the duke's administration the financial rewards of improvement were more than evident, with the annual gross rental of his Scottish estates standing at over £50,000,¹²⁰ (and this excluding the £13,000 gross rental of the Queensberry estate, inherited in 1810.)¹²¹ However, as has been discussed above, the priority of the management strategy pursued by William Keir under the third duke was not to maximise rental income in the short-term, but rather to effect the long-term, sustainable, improvement of the estate. And although commercialisation was a key factor in this process, it is a contention of this thesis that economic incentives alone do not fully account for the land management policies implemented upon the Buccleuch estates during this period, and that a number of ideological factors have also to be considered.

As has been argued above, improvement could be conceived of as a matter of public duty and patriotism as well as personal benefit: an area where private and national interests converged. This thesis has also attempted to outline the way in which aspects of Enlightenment

¹¹⁹ Devine, *Transformation of Rural Scotland*, p. 61.

¹²⁰ The total rental of the estates stood at £50,123.13: £43,557.15 from the South Country estates, and £6565.18 from the Dalkeith estate. N.A.S. GD 224/527/2, Mr Riddell's Accounts, Crops 1810, 1811, and 1812; N.A.S. GD 224/549/1, Rental of the Lordship of Dalkeith, Baronies of Sheriffhall and Smeaton . . . for crop 1811.

¹²¹ N.A.S. GD 224/526/10/1, Abstract of the intromissions of Thomas Crichton for the Queensberry Estates under his collection in the year between martinmass 1811 and martinmass 1812. The total gross rental of the Queensberry estate including 'feu duties and wood sold' was £13,098.19.5 5/.

thought can be seen to have fed into and reinforced this ideology, and, on a more pragmatic level, to have influenced the improving process itself, most notably through William Keir's application of the principles of political economy to estate management. This study has also indicated the extent to which the Buccleuch estate was considered as more than just a strictly economic entity, and as such, had to be managed with regard to a number of 'extra-economic' concerns. Although ultimately dependant upon market forces for its success, 'improvement' as practiced upon the Buccleuch estate was not merely a pre-determined response to favourable market conditions; nor was it solely an attempt to extract the maximum return from a landed resource: improvement, this thesis would argue, has to be considered as part of a wider process by which the landed interest attempted to maintain and even enhance their control over rural society during a period of extreme social and economic change. And as such, the management of the Buccleuch estates can be considered as much an ideological act as an economic one - one in which a central role was played by a commitment to a concept of improvement that encompassed not only commercial and economic imperatives, but also social, political and moral concerns.

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